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Butt, Isaac

Irish Corporation Bull.

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IRISH CORPORATION BILL.

L O N D O N :

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IRISH CORPORATION BILL.

A SPEECH

DELIVERED AT THE BAR OF THE

HOUSE OF LORDS,

ON FRIDAY, THE 15TH OF MAY, 1840,

IN

DEFENCE OF THE CITY OF DUBLIN;

ON THE ORDER FOR GOING INTO COMMITTEE ON

The Irish Corporation Bill.

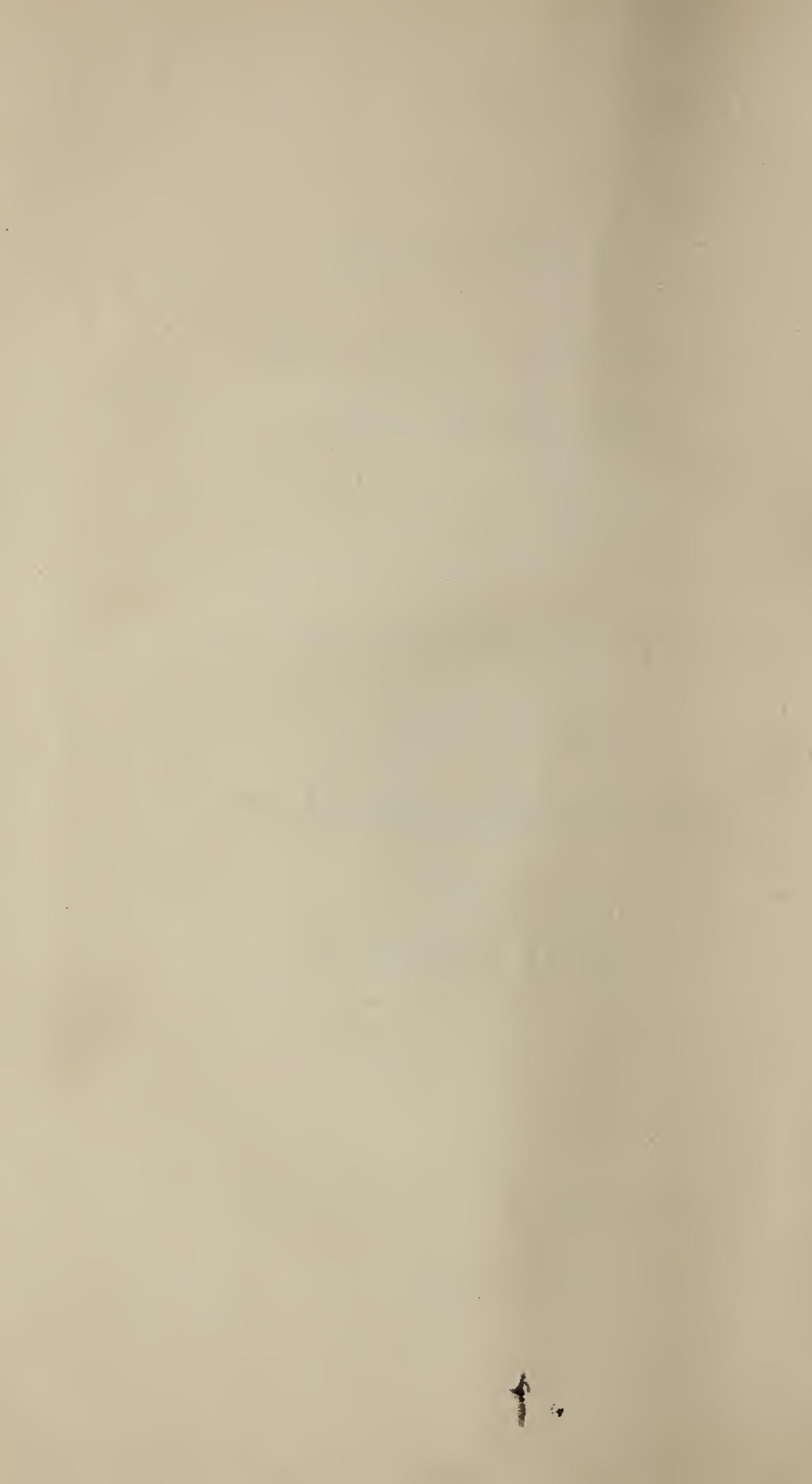
BY

ISAAC BUTT, Esq.

LONDON :

JAMES FRASER, REGENT STREET.

1840.



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A SPEECH,

&c. &c.

MAY IT PLEASE YOUR LORDSHIPS,

IT now becomes my duty to follow up the statement which was made last night, on behalf of the City of Dublin, by my learned friend who opened their case. Our duty is to endeavour to shew to your Lordships reasons why you ought not to adopt the provisions of the Bill now before your Lordships for regulating the Municipalities of Ireland, so far as they destroy the rights, confiscate the property, and abrogate the charters of the City of Dublin. In the observations with which I may feel it necessary to trouble your Lordships, I shall endeavour strictly to confine myself to that duty.

The principle of the Bill which your Lordships have affirmed, I understand to be simply this,—that the legislature will interfere to regulate the Cor-

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porations of Ireland. Against that principle I am aware we have no right to contend ; — it is not necessary that we should ; — the very petition which the City of Dublin has presented to your Lordships, states their readiness to acquiesce in any reform that to your Lordships' wisdom may seem fit, which will not compromise the safety of the Protestant religion, nor take away their ancient charters. But, my Lords, I will endeavour to prove, that the provisions of this Bill, as they affect the City of Dublin, are not warranted by any thing that has been laid before your Lordships' House ; — that they are unjust to individuals, and fraught with danger to the constitution and the country at large.

My Lords, the petitions which have been presented from the City of Dublin, and parties or bodies connected with that Corporation, to be heard at the bar, and upon which your Lordships have been graciously pleased to accede that privilege, are these : — A Petition from the City at large ; a Petition from the Sheriffs' Peers of the City of Dublin, as individuals ; and Petitions from several of the Guilds or Companies of which the Corporation is composed. With your Lordships' permission, I will briefly state the substance of these several petitions.

The petition from the Right Honourable the Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin, in common council assembled, states that they have learned that a Bill has been

introduced into your Lordships' House, which, under the pretence of regulating Municipal Corporations in Ireland, takes away all their charters. They state, that no ground can be established to your Lordships for such a measure in any misconduct of their ancient corporation. They submit that they have faithfully fulfilled the trusts confided to them by their charters, and that there is, therefore, nothing to justify your Lordships in passing this Bill of Pains and Penalties. After declaring, as I have already apprised your Lordships, that they are ready to acquiesce in any measure of reform which your Lordships may adopt, which will not violate their ancient charters, or interfere with the safety of the Protestant religion, they proceed to state that the Bill before your Lordships' House gives to the new corporation a power of taxation unknown in the history of corporations in Ireland ; that the bodies to whom it is now proposed to confide the rights and powers which are forcibly torn from their present possessors, will be dangerous to the peace of the country, inimical to the Protestant religion, and to British authority in Ireland ; and that their establishment must inevitably lead to the destruction of the Protestant Church, the separation of Ireland from England, and the dismemberment and degradation of the British empire. My Lords, they again repeat, in the strongest manner, their denial of any crime ; they challenge (if I may ven-

ture to use the expression) your Lordships to point out one single act of misconduct, or of mismanagement, or of deviation from the trusts confided to them, by which they have given just occasion for this measure of pains and penalties. They assure your Lordships, that no large or influential class of the inhabitants of Dublin are anxious for such a change of its municipal institutions as that proposed by this Bill; that the feeling of a great majority of the better classes in Dublin is unequivocally opposed to it; and that of those who will pay the tax projected by this Bill, a majority, calculating by the rates to which they will be subject, have actually petitioned your Lordships that it may not pass.

I will not trouble your Lordships by going at more length into the petition of the Sheriffs' Peers. Sheriffs' Peers are those individuals who have served the office of Sheriff; and under this title have acquired, by the present charters of the city, a certain rank, with a right to a seat in the common council for life. They present to your Lordships' justice a case which it is not possible altogether to disregard. They state, that on the faith of these charters they devoted themselves to the acquisition of various rights and privileges in the city,—that, ascending through various civic gradations, they were at last selected by their fellow-citizens to fill the high and responsible office of Sheriff of the City,—an office which they represent

to be one of great labour, risk, and anxiety, and involving a heavy expenditure beyond the emoluments derived from it: they consented to serve this office, believing that in return they would obtain a privilege of sitting in the common council for life, with the rank and dignity of Sheriffs' Peers; of this privilege and this rank they are now about to be deprived. Against this, my Lords, they protest. They deny that ever, as individuals, they have done a single act to justify your Lordships in thus punishing them: they submit to your Lordships that, from their experience in corporate business, their station in society, their property and characters, they are well qualified to retain their seats in the common council with advantage to the community. As individuals, they refer, with pride and confidence, to the testimonies of approbation of the manner in which they discharged the office of Sheriff, which they have received from all classes of their fellow-citizens, and from successive chief governors of Ireland; and they submit to your Lordships' House a claim which, in justice, they believe irresistible: they call on you to protect the rights thus secured to them by law, and pray that, whatever regulations you may adopt for the City of Dublin, you will, at least, secure to them their right to seats in the common council for life, unless it can be established that they have justly forfeited them by some crime.

The case of some of the gentlemen who have

signed this petition is, perhaps, stronger than I have stated. It is possible to become a Sheriffs' Peer without serving the office of Sheriff, by paying the fine imposed upon freemen who are nominated and refuse to serve; and several of those gentlemen who now submit their claims to your Lordships' justice, have actually permitted themselves to be nominated to the office, and paid the city the fine of 500*l.* : thus actually purchasing their places as Sheriffs' Peers, — places of which your Lordships are now called upon to deprive them, without so much as the allegation of a crime.

My Lords, the City of Dublin is not a single corporation. It is a corporation consisting of twenty-five different guilds or companies, each of those guilds having their separate charters, and most of them their separate property. Several of those guilds have also petitioned your Lordships' House, that, in whatever measures you may adopt for regulating the Municipality of Dublin, you will respect their charters and protect their rights. My Lords, I will call your attention to but two out of those petitions; and I take them as mere samples of the rest. One is the Petition of the Guild of Weavers, the other of the Guild of Merchants. The Guild of Weavers state to your Lordships in their petition, that they have property not very large, but whatever the amount may be, it is employed in providing an almshouse for the decayed brethren of their guild, and for their widows

and their orphan children. Under the Bill now before your Lordships' House, this property, derived not from public grants but from the private contributions of their own members, thus applied by them to charitable purposes, is taken away and given to a body composed of the ten-pound householders of the city, who can have no earthly claim to it. They state that they have repeated charters from many kings; that in times of difficulty they stood steadily by British authority in Ireland; and that for those services they have, at various times, received the thanks of successive lord-lieutenants; and they appeal to your Lordships not to take away their rights, whatever regulations you may adopt for the city at large.

The Guild of Merchants state in the same way that they have property; that their guild is composed of nearly a thousand freemen. They go a little more at large into the general question of the Bill: but I will not trouble your Lordships by repeating their petition. They challenge investigation into every part of the corporate management of Dublin. They say that the present system of corporate authority has supplied magistrates, against whom no charge has ever been established — against whom, to this hour, no charge is brought in any evidence, or in the report of any commission that has been issued by the authority of the Crown or of Parliament; and, therefore, they pray that, however your Lordships may regulate the Munici-

pality of Dublin, you will not take away their rights. They state that all the rights of freemen have been procured by services and purchased by an outlay of money : many of the freemen of this guild have paid as high as fifteen pounds. They then go on to say, that this Bill professes so far to respect these rights as to preserve their parliamentary franchise : this, my Lords, they rely on as an admission that they are not unfit to exercise the municipal ; although, at the same time, they submit to your Lordships that the provisions by which this professed preservation of their parliamentary rights is carried out, are such as to make it a mockery, by leaving these rights at the mercy of the new municipalities.

These petitions, my Lords, briefly state the case which it will be my duty now, following my learned friend, to lay before you. Your Lordships will perceive that it is a case involving both private rights and public interests ; and I do confess that this very circumstance makes me feel no little embarrassment in addressing you. In other cases where advocates have the privilege of appearing at your Lordships' bar—in those cases of ordinary appeal in which your Lordships decide the controversies of property, you have but a simple duty to discharge, — to determine between man and man upon occurrences resulting in the intercourse of every-day life. But this is a question of a different nature,—a question, it is true, of equity, of justice, and of law,

but one involving political considerations and constitutional questions; and as the duty of your Lordships is here to look to subjects more extended and more enlarged than those upon which you are accustomed, as a court of judicature, to decide, to take on yourselves the spirit and dignity of the constitution, and while you respect the principles of past have regard to the interests of future generations,—so, my Lords, the duty of the advocate is also enlarged. And thus I do feel an embarrassment, lest, on the one hand, I might appear to introduce topics that are beyond my province, and unsuitable to my position here. But while I am deeply anxious to avoid this, I have another, and your Lordships will pardon me for saying, a still higher anxiety, lest I might omit any consideration that could possibly induce your Lordships to protect from this Bill of Pains and Penalties those rights which, as an advocate at your Lordships' bar, it is my highest and my most sacred duty to defend.

My Lords, I will first call your attention to this Bill as divided into two parts. It is a Bill of Disfranchisement and a Bill of Enfranchisement. It begins by sweeping away every existing right in the City of Dublin. Not the right of a single freeman to vote for municipal offices is retained. No privilege is spared—no franchise respected. Now we assert that, to justify this first part of the

Bill, there ought to be some crime established against the holders of these rights; or it ought, at least, clearly to be shewn that their rights are inconsistent with the welfare of the community. However your Lordships may decide as to the admission of new rights and new franchises, we fearlessly assert that no reason has yet been supplied to your Lordships' House which can justify you, as the highest court of judicature in the land, in forfeiting the existing rights of freemen. Thus, my Lords, our first ground of protesting against this Bill is that of individual injustice. You punish, my Lords, a number of individuals who have been advanced under the existing order of things to the highest offices in the magistracy of the city; I say you punish, because to degrade is to punish; you degrade, in the evening of their days, the Aldermen,—men who have borne an unblemished character, who, as magistrates, have never yet been charged with partiality in the execution of their magisterial duties; you degrade the Sheriffs' Peers, who have acquired their right by long and onerous attention to civic duties; and you degrade the freemen of the City of Dublin, because you take from them their rights—rights, my Lords, which have hitherto been supposed to rest upon the same foundation as the privileges of your Lordships' illustrious House — upon hereditary succession, the trans-

mission from father to son, upon the charters of monarchs, and upon repeated acts of parliament recognising their privileges.

Now, my Lords, the freemen of Dublin appearing here at your Lordships' bar, deny that in any one respect they have proved themselves unfit to retain these franchises; and, in the confidence of the justice of their cause, they are bold to say to you, If you think that new rights should be given, if you think that any class has been hitherto excluded from the franchises of the City of Dublin who ought to have them, then give them those rights; but do not pass a measure of confiscation, a Bill of Pains and Penalties, unless it can be shewn to your Lordships that some crime has been committed to justify it; do not adopt against us that which both justice and the constitution abhors— an *ex post facto* system of legislation.

My Lords, I am very anxious to call your attention to those clauses of the Bill which take away the existing rights of the freemen, because it is these clauses (clauses certainly not involving the principle of the Bill) which make the measure a revolution. To admit new classes to new rights may be a reform; but to take power from those who have it and confer it upon another, and a totally different class, is in every sense of the word a revolution. Give me leave to say, that there is nothing in any complaint that has ever yet been submitted to your Lordships, which can justify

this. What is the complaint? — That Roman Catholics have now no franchises. What is the remedy which this Bill proposes? — That the franchises of Protestants should be taken from them.

If to give these franchises to Roman Catholics be to grant a boon, to take them from the Protestants is to inflict an injury: the alleged evil and the proposed remedy are not merely unconnected but directly contradictory. If your Lordships think fit that Roman Catholics should be admitted — I leave this to your wisdom — let it be done by any means which your Lordships' wisdom may devise. But upon what grounds are you called on to disfranchise Protestants, unless the object of this Bill be not a participation of power but a transfer? I do strongly and earnestly press this upon your Lordships. I say, not merely that there does not exist in fact any reason; I go further, and fearlessly assert, that not in any complaint that has ever been made to your Lordships' House — in any Report that has ever been laid upon your table — in any evidence that has ever been taken — not in any argument that has ever been put forward in favour of this Bill, is there suggested the shadow of a reason for taking away these existing rights of the freemen. The exclusiveness of the present corporation arises from a privilege claimed by them of arbitrarily placing a veto upon any admission of a freeman; then, if this be

an evil, what is the remedy? Abolish that veto. If I am told that even then the rights are not extensive enough, then give new rights; but I do again and again urge upon your Lordships' justice this one broad principle of the Constitution, that by the law of England no man can be punished unless he is convicted of a crime; that when you degrade, you punish; that when you take away franchise, you punish; and that, therefore, this is a Bill inflicting punishment upon parties against whom not merely no crime has been proved, but against whom no charge even has been made.

Thus far I have spoken of individuals—I have called your Lordships' attention to the injustice which will be done to the several persons whose rights are affected by this Bill, as individual British subjects entitled to your Lordships' protection, not the less because the hardship of which they complain involves public wrong, because the taking away of their private rights is also the violation of the charters of whole communities. But when we come to consider the rights, not merely of individuals but of corporate bodies, we shall find charters almost innumerable granted to the City of Dublin and to its separate guilds; and there is one thing very remarkable which I will venture to bring before your Lordships' attention, although it may be old-fashioned to speak of *Magna Charta*. We have, my Lords, a *Magna Charta* for Ireland; and one of its provisions is, that the rights and

franchises of the City of Dublin should remain inviolate. Magna Charta was not granted to Ireland until an early year in the reign of Henry the Third: Henry the Third confirmed the Magna Charta of John to England, and at the same time granted it for the first time to Ireland, and one of its provisions is, that the rights and privileges of the City of Dublin should be respected, just as the English Magna Charta makes a similar declaration as to the City of London. And, perhaps, I would scarcely venture to bring this before your Lordships, if it were not that the English Magna Charta has been respected so far as to exempt from the operation of the English act the City of London; and I ask why our Magna Charta should not also be respected so as to exempt the City of Dublin? The Corporation of Dublin is as ancient as the British rule in Ireland. I only trust, my Lords, that as in its commencement it synchronised with the establishment of British authority in Ireland, so its downfal may not be a prelude to the close of the connexion between the countries.

My Lords, the Corporations of Ireland are in a great many respects different from the Corporations of England. The Charters of the Corporations of Ireland were granted for an express purpose, and that purpose was to maintain against the weight of numbers, against the authority and weight of the Irish people disaffected to the

British Government, the authority of Great Britain in Ireland. This was the policy of James the First, the first monarch who ever established any thing like a constitution, or any thing like law, in Ireland.

The charters which were granted before his time were granted to English settlers—expressly to English settlers; when the whole policy of the English government was in every possible way to discourage and prohibit any intercourse between the colony from this country and the native Irish. James introduced a more liberal and enlightened policy, giving to the whole of Ireland English laws and the English constitution. Before his reign, Ireland had scarcely the semblance of a parliament; a few deputies, indeed, were convened from towns within what then was called the English pale—a colonial, not even a provincial assembly, called a parliament, without power, without authority, or any thing like a system of popular representation. So little way had English laws then made, that it was a common saying in the country before the days of James the First, that those who dwelt west of the Barrow dwelt west of the law (the Barrow, my Lords, is a river a few miles west from Dublin). James was the first monarch who reduced the whole of Ireland to the British rule, and his policy was to establish a number of Corporations for the avowed and express purpose, and on the express condition,

that they should spread the Protestant religion, and support British authority in Ireland; thus extending over the whole country, and among all the people, that order and tranquillity which, before his days, had been only known within the limits of the pale. From him the national, in opposition to the colonial, constitution of Ireland, may be said to date. And it is essential that your Lordships should bear this in mind, that the Corporations of Ireland were bound by their charters, and bound by their trusts—I say not whether wisely or not, that is nothing now to the point—but they were bound by their charters, and bound by their trusts, to promote British authority by the influence of intelligence, of civilisation, and of privilege, in opposition to numbers. For this, and the advancement of the Protestant religion, was the very end and object of their existence. The charters granted before this period were English of necessity, when all intercourse between the settlers of the colony and the natives of the country was a crime. There were few, however, of those previously formed which did not accept new charters from James.

All the charters granted to the City of Dublin, from the first grant by Henry the Second of the city to his men of Bristol, are swept away by this Bill. I ought to apprise your Lordships that many of these charters confer privileges and properties for services rendered to the state, for contributions to its exigencies by the freemen of the city; but

all these charters, to which the faith of a long line of your monarchs is pledged, by one sweeping clause this Bill destroys; confiscating all this property, and taking away all these privileges, from the descendants of the men by whose loyalty and services they were earned, and who transmitted them by the settled rule of the constitution as an inheritance to their sons.

But this, my Lords, is not all. I have stated already that there are twenty-five guilds, or companies, in the City of Dublin. Each of these have their properties, each of these have their charters; and all those charters, without any reason that I have been able to discover, are destroyed by this Bill; and all the powers and properties transferred to the new bodies created by this Bill. There is this distinction between the property of the corporation and the properties of the guilds. The property of the corporation is derived from public grants, from public charters made by kings; but the property of those twenty-five guilds—in some instances considerable—is, if I am rightly instructed, in no instance derived from public charters, but it has been created—under a license given them by their charter—by the contributions of the individual members of the guilds. And here, as far as these guilds are concerned, what is it that your Lordships are called upon to do by this Bill? A number of persons associated under these charters have contributed their private resources, their private

sums of money, to purchase property, that it may run in a particular direction; and, without any necessity alleged, or any crime proved, your Lordships are called upon to take from the descendants of those persons that property, and to give it to persons the very last upon whom the donors would have conferred it.

Had these guilds been mere private societies of trades, or benefit clubs, unsanctioned by any law and unlicensed by any charter, such an attempt would be indignantly rejected, as robbery and spoliation. The only difference is, that these companies before uniting themselves into societies, or presuming to acquire property in their associate capacity, sought and obtained the license and the authority of the state.

The petition of the City of Dublin states, that they have in every instance fulfilled their trusts—in times of disloyalty to Britain, by remaining true to the throne and maintaining British rule in Ireland; that they have fulfilled their trust by adhering steadfastly to the Protestant religion; and, more than this, that they have fulfilled their trust by preserving the peace of their town, and securing that it should be well and quietly governed.

I will just trouble your Lordships with one testimony, which may satisfy you that the Corporation, as far as the appointments of officers are concerned, has done all that could be expected from such a body. I am about, with great respect,

and attaching great weight to his opinion, to quote to your Lordships the testimony of a member of your Lordships' House, who filled the high situation of Viceroy of Ireland. It is the custom in the City of Dublin, that each year the officers elected, the Lord Mayor and Sheriffs, shall be presented solemnly to the Lord Lieutenant of Ireland for his approbation, and upon this occasion an interchange of words passes generally between some one representing the Corporation and the Lord Lieutenant. In the year 1837, the noble lord who then filled the office of Lord Lieutenant of Ireland, thus addressed the Lord Mayor elect.

“ My Lord Mayor elect,—I feel it the less necessary to do more on this occasion than to express my general concurrence in the description of your duties, which has just been given to you by the learned judge who has addressed you, because I am fortunate in being able to refer you to the past as a sufficient guide for the future. I am able to direct your attention to the acts of your predecessor, and by these, better than by any words of mine, to give you a guide for your future conduct. It is a matter of unqualified satisfaction to me to find, at the close of the second entire year in which it has been my fortune to witness the result of appointments such as have this day been made, that I can in this instance, as in the preceding, state that in every official act in which, by my position, I have been placed in contact with the chief magis-

trate of this city, he has acquired my hearty concurrence and approbation. I had the happiness of stating this at the close of the mayoralty of that worthy and respected man, Mr. Alderman Morrison, of whom an intervening year has not been able to obliterate the remembrance. I am happy to state that his successor has emulated the line of conduct which in him elicited my approbation, and in doing so I am happy to add, that the activity, zeal, and integrity of his coadjutors, the High-Sheriffs, have also been all that I could desire."

This, my Lords, was the testimony borne in 1837, and, as your Lordships will perceive, extending over two years, to the character of the appointments made by the Corporation of Dublin ; and, therefore, on the authority of the noble lord who bore that testimony, I am justified in saying, that there was nothing in the character of those appointments, or in the conduct of the men advanced to the high situations of magistrates of Dublin, to justify this Bill of Pains and Penalties. This testimony extends through the years 1836 and 1837; and in 1838 the same noble lord used equally strong language in approving of the past conduct of the officers who were then presented to him ; and thus for three years I have the testimony of this noble lord, who (I say it with all respect) was not a friend to the Corporation of Dublin, that they had not in the appointment of their magistrates done injustice to any class of their fellow-citizens.

This brings me, my Lords, to another part of the subject, upon which I must trouble your Lordships. I have said that no charge whatever has been established against the Corporation of Dublin. Your Lordships are, of course, aware that a Royal Commission was issued to inquire into the Corporations of Ireland, and that they have laid upon the table of your Lordships' House a Report professing to state the result of the evidence which they took. I do not use the word "professing" unadvisedly, as I will presently shew your Lordships. I will be obliged to trouble you with a brief sketch of this commission and its proceedings ; and in the discharge of this portion of my duty, I feel happy that the proceedings upon which I am compelled to comment belong to another parliament and another reign. The proceedings of that commission, which his late majesty was advised to issue, are now matters of history ; and in speaking of them, therefore, I am free from all restraint.

But, my Lords, in the very first instance, let me tell you, that this Report (and I pray your Lordships' attention to this ~~fact~~), voluminous as it is, and the Appendix relating to Dublin, contains scarcely a single charge against the city. The few charges that it contains I will presently advert to. I know that an impression of a different nature has gone abroad ; but if any one believes that this Report of the commissioners contains charges against the City of Dublin of corruption, of mis-

management, of misapplication of the corporate funds, of improper appointments, that person, my Lords, is grossly in error. From beginning to end of this Report there is not a single charge of mismanagement, or a single charge of corruption ; but, on the contrary, unwillingly and evidently reluctantly these commissioners have been forced, in all important instances, to acquit the corporation ; while they have collated, and collated sedulously, unimportant, and paltry, and trivial complaints, to which I will call the attention of your Lordships.

This, my Lords, is a very large Report on the City of Dublin, but I will shew you how it has been made up. Of this Report in my hand, containing four hundred pages, not more than one hundred relate directly or indirectly to the Corporation of the City of Dublin ; and these include its history, an abstract of its charters, and the rental of its property. The commissioners inquired into the Paving Board — it is necessary for me to tell your Lordships, that the Paving Board is a board appointed by the government. They have brought charges against the Paving Board which may be true or may be false, for I cannot say that I believe them ; their insertion in this Report is scarcely a *prima facie* evidence of their truth (I will shew your Lordships that I am not using too strong language) : but whether these charges be true or false, the Paving Board is appointed by the Lord Lieutenant, and with that appointment the Corporation of Dublin

has nothing whatever to do. They have also brought charges against the Ballast Board, a board appointed under act of parliament, and with which the corporation has no connexion. But against the Corporation of Dublin they have brought no serious charge, and the few that they have brought are, I believe, as I will satisfy your Lordships, untrue. The Wide Street is another of those boards which occupies a large portion of this Report, a board also unconnected with the City of Dublin. For your Lordships must recollect this in dealing with the City of Dublin, and particularly when you come to consider the propriety of establishing a new corporation, that almost all the municipal functions which properly would belong to a corporation, have, one by one, been taken from the Corporation of Dublin, and transferred by repeated acts of parliament to boards appointed by the government; and it is against those boards, which have been taken from the corporation, and which have been transferred to the government, that the charges contained in this Report are preferred. There is, indeed, a general allegation, that the Corporations of Ireland have not fulfilled the objects for which they are designed, and that they do not now fulfil all the objects for which they might have been made useful; and it will be for your Lordships to consider, when I come to analyse the appointment of that commission, and the mode in which they have taken their evidence, whether on this general

allegation, unsustained by one single particular charge of corruption against this corporation as a body, you are prepared to take away their rights.

My Lords, this commission, I have no hesitation in saying, was a partisan commission. There is not a single commissioner named in this commission who was not known, by his previously pledged opinions, to be strongly prejudiced against the Corporation of the City of Dublin. The chairman of this commission was Mr. Perrin, one of his majesty's serjeants-at-law; and I do say, that if any thing was wanting to fasten the charge of partisanship and unfairness towards the Corporation of Dublin upon this entire commission, it was the appointment of Mr. Perrin. The commission was appointed in 1833, and your Lordships will recollect this. It was notorious at the time, that in 1831 this Mr. Perrin (I have no wish to say any more than my duty obliges me to do in derogation of that gentleman)—this Mr. Perrin was a candidate for the City of Dublin on the interest of the party favourable to the Reform-bill, in conjunction with Sir Robert Harty, the then Lord Mayor of Dublin. Notwithstanding all that we hear of exclusiveness as to the political opinions of the Corporation of Dublin, the Lord Mayor in 1831, a gentleman whose opinions were well known when he was elected Lord Mayor, was a candidate for the City on the interest of His Majesty's Government, on the interest of the Reform-bill. But Mr. Perrin

was vehemently opposed, I admit, by the corporation as a body. The circumstance of the lord mayor being a candidate, and of his being opposed by the corporation, naturally engendered even more than the ordinary heat of election animosity ; and your Lordships may readily believe, that, even had it ended here, Mr. Perrin was not the man to come to try the Corporation of Dublin with an unprejudiced mind.

But, my Lords, it did not end here. Mr. Perrin and Sir Robert Harty were returned ; and principally through the influence of active members of the corporation a petition was presented against that return. The petition was successful. Mr. Perrin and his colleague were declared guilty of bribery. Your Lordships will find this on the Journals of the House of Commons. You will find also that the committee thought it necessary to make a special report on the interference of the government at that election ; and yet, two years afterwards, this Mr. Perrin, who had been thus engaged in the very heat of an election contest, who had been opposed strongly by the Corporation of Dublin, and mixed up in every animosity that could naturally be excited in such a contest ;—this Mr. Perrin, who had been declared by the House of Commons morally unfit to sit in their assembly for that Parliament, because he was convicted of bribery ; who owed to the exertions of some leading members of the corporation this brand upon his

character; he was the man that was appointed chief judge in the commission to try this corporation!

And, my Lords, that there might be no doubt of the motives which had influenced this selection, who was one of his colleagues? Mr. Hudson, a gentleman whom the House of Commons reported to have been also guilty of bribery at that same election — a gentleman whom the House of Commons directed the Attorney-General to prosecute! This Mr. Hudson, who was thus charged with having bribed as Mr. Perrin's agent, was now associated, with his late accomplice as his chief, as an impartial judge to decide upon the purity or corruption of the Corporation of Dublin. It may be that those who selected this commission (I am speaking now of matter of history) believed, as they were anxiously seeking for evidence of corruption, that those who were practically best acquainted with it in themselves would best be able to detect it in others; but upon no other principle can I conceive why they selected these men from the whole mass of the Irish bar to sit as judges to try the Corporation of Dublin.

This, my Lords, was enough to mark the character of the whole proceeding. The criminal made judge — the men baffled and disgraced in a contest with the corporation, given the opportunity of revenging their defeat by an appointment as inquisitors. But this was not all. Of the remaining

commissioners (they were twelve in all), five were Roman Catholics (while the Irish bar, the body from whom they were chosen, were Protestant in the proportion of five to one), and Roman Catholics not distinguished for the moderation of their politics ! and every one of the commissioners, Protestant or Roman Catholic, was known to be hostile to the corporation. And it is, my Lords, upon the general allegation of such commissioners, unsustained by evidence, unsupported even by particular charges, that your Lordships are called upon to destroy our rights.

My Lords, this commission thus constituted commenced its inquiries as to Dublin, and I am free to say at your Lordships' bar, that had I then had the honour of advising the Corporation of Dublin, I would have advised them to resist the authority of that commission. They did not do so. The commission came in the name of the king; however abused, that name was respected by the loyalty of those for whom I plead. Every information was given by the corporate officers to this commission. Their books were freely laid before them ; their officers attended. Your Lordships shall hear how they were treated.

The first step of these commissioners was to insert — and I cannot help thinking it rather an unusual proceeding — an advertisement in the public papers, inviting persons to come forward and give evidence against the corporation.

I hold in my hand, my Lords, a copy of this singular document. After stating that they would sit at a particular place, and calling on the officers of the corporation to come forward, not by notice, but by advertisement in the public papers,— the pith is in the postscript,— they say, that “All communications addressed to the Commissioners or Secretary, and left at the Commercial Buildings, or at No. 46 Dominick Street, will meet with attention.”

The meaning of this could not be misunderstood.

They did not seek out sources of information on which they could rely; through the medium of the public press, they invited every chance accuser to come forward; proclaiming an invitation to slander in the insulted name of the king. It needs, my Lords, but little knowledge of human nature to calculate the inevitable effect of such an advertisement in a great city, where, of necessity, there must be a large class who regard every constituted authority as their enemy; to what bad motive did not such an invitation appeal?— a call upon the discontented— upon the envious and the malicious— upon every man who had a false tale— upon every man who desired to make himself of consequence by inventing a grievance, or establish his character for patriotism by bearing false witness against his neighbour— upon every man who wished to make his fortune with the

new corporation, by having a share in the condemnation of the old? It was the proclamation of a mart for slander — a bidding for calumny from every source, however base.

The result was such as might have been naturally expected. I speak, my Lords, under great disadvantages, for I have not yet seen the evidence which has been laid only within these few days on your Lordships' table; but I must describe it as I can prove. When a royal commission bids for evidence in a great populace against an ancient magistracy, evidence of some kind could not be long wanting, be its character or its value what it might. Those who had looked with envy on the civic honours which were conferred on industry and merit, came forward to make up for their exclusion by maligning their successful competitors; discarded servants of the corporation dignified into martyrs: nay more, men who had no higher motive or no graver charge than the fact that they had been fined by some of the civic magistrates, in the discharge of their magisterial duties, all flocked to the receipt of slander. No passion was too base to find its gratification here, provided only it made a man an enemy to the corporation. The witnesses were notorious partisans, many of them without character. In some instances, before the ink that took down the evidence was dry, some of these respectable witnesses, astonished and frightened at the hardihood of their own accusations, returned and asked leave

to withdraw their charge, alleging that they had sworn by mistake: we can prove this at this bar. We can prove that, after some of them had been contradicted by evidence which could leave no doubt on the minds of the commissioners that they had sworn what was not true, they were yet allowed again to come forward to malign the character of respectable citizens.

My Lords, this was not all. Questions were allowed to be put to those witnesses; the room was filled with the members of the Trades' Union,—a body, whatever may be its merits, at all events notoriously opposed to the corporation; and these gentlemen handed their written questions to the commissioners. Whenever a member of the corporation appeared, he was questioned and cross-questioned; but whenever a witness appeared against the corporation, he was asked, “Upon what point he would wish to be examined?” The commissioners did not go fairly to execute their mission; they did not call the men that they thought could give them fair information; they did not call the respectable merchants of the town. I feel some degree of restraint, even with all the latitude I feel your Lordships' generosity will allow to the defender of ancient rights about to be rudely taken away, in describing the witnesses as they deserve; but I venture to say that, when the names of the witnesses and the testimony they have given are in your Lordships' hands, in the printed evidence, you will not consider that I am de-

scribing it too strongly, when I say that many of them were men without character, without station, without property or respectability.

Something, however, was still wanting to complete the unfairness of this inquiry; it was not wanting long. The corporation employed counsel, and told the commissioners that they were prepared with evidence, which they wished to have received. Some officers of the corporation, it is true, were examined, but they were examined by the commissioners; but when the corporation pressed upon the commissioners to receive the evidence they tendered, day after day, by one excuse after another, the examination of these witnesses was postponed; and the commission absolutely closed, and made their Report, without giving the corporation the opportunity which they had promised of laying their evidence before them: and I repeat it is upon the general allegation of these commissioners that you are now called upon to destroy the rights of the City of Dublin.

Your Lordships will remember that it is only within these few weeks, and then in answer to a demand of your Lordships, that, after an interval of six years, the evidence taken by that commission has been laid upon your table. Your Lordships will presently have no difficulty in perceiving the reason of this. When the English commission made their Report, the evidence was laid upon your table as fast as it could be printed; but

when the Irish commission gave their Report, the evidence was withheld, and your Lordships were only permitted to judge of the general allegations. I will shew your Lordships the plain, though I can scarcely say the honest, reason for this suppression of the evidence.

My Lords, I ought to say, and, of course, your Lordships will understand me to speak under this responsibility, that, after consulting with my learned friends, we are prepared to prove to your Lordships, if your Lordships think fit so to order, every fact I state. Having said this, I may venture to explain how I have been enabled to examine parts of that Report, and what I have detected. A short-hand writer was employed by the city to take notes of the evidence that was given, and a considerable portion of the evidence was thus reported, until at last the commissioners divided themselves into seven different courts, sitting, I believe, two or three in one room, and others in different rooms ; and it then became impossible for one reporter to follow these seven gentlemen at once. A small portion, however, of the evidence that was taken I obtained. I examined as much of it as I could. Let one instance satisfy your Lordships of the faithfulness with which the evidence has been represented by the commissioners.

In page 28 of the Appendix to the Report upon the City of Dublin, it is stated that the grand juries were composed exclusively of Pro-

testants; and this sentence occurs: "A few Roman Catholics are occasionally returned." I pray your Lordships' special attention to this passage. "An alderman, who stated that he supposed he had served twenty grand juries, said that he had probably served with three Roman Catholics." The sentence is ambiguous; but there is no man reading this Report who would not believe that this alderman had given in evidence, that on all the twenty grand juries he had served there were but three Roman Catholics, making the proportion of one Roman Catholic on seven grand juries. Now the alderman's name is not given, probably because they knew that this perversion might be contradicted. But what will your Lordships say when I tell you that the evidence of this alderman — it was Alderman Montgomery — was, that he had served on twenty grand juries, and that on each of those twenty grand juries he had met three Roman Catholics? I say it is impossible that such a falsification of the evidence should have arisen from mistake; and whether it was some clerk who imposed upon these commissioners, or whether it was their own default (for I dare say any thing at your Lordships' bar in the discharge of my solemn duty as an advocate against this Bill), here there is a wilful and dishonest falsification of the evidence by this Report that is laid upon the table of your Lordships' House.

I will give your Lordships more instances. It

is stated that 500*l.* a-year were granted by King Charles the Second to the Corporation of Dublin out of the casual revenues of Ireland ; and this is all that is stated in the Report. Now, my Lords, it was stated in evidence by two of the aldermen of the city before these commissioners, that this 500*l.* a-year was given under the circumstances I will state. The corporation had, in defence of Charles the First, maintained a regiment for thirty-six weeks ; and when the second Charles came to the throne, with more recollection of past services than usually distinguished the acts of that monarch, he remembered these services of the City of Dublin : he calculated the amount that they had laid out, adding the interest, and in return for the sum they had thus expended, he gave them 500*l.* a-year,— the bare interest of the money that, as individuals, they had laid out. And why was this fact not stated ? The grant of 500*l.* a-year is stated ; but while they profess to give your Lordships a full history of the corporation and its charters and its property, they never state to you the singular circumstances, interesting as a matter of history, under which this was granted. Because, my Lords, they knew that to your Lordships' equity this grant, in return for money thus laid out, would have established a claim of private property in the descendants of the freemen of that day ; and that it would have been impossible for your Lordships to have taken it from those

descendants, and conferred it upon a totally different body.

These are not the only instances. I pray your Lordships to recollect how imperfect my examination of the Report has been, by means of the small portion of evidence I have been able to obtain. Had I the opportunity of collating the entire evidence with the Report, I feel persuaded that in almost every line I could have found some evidence dishonestly suppressed, or more dishonestly falsified.

I will call your Lordships' attention to another instance. It is stated, as a charge generally against the Corporations of Ireland, that they have encumbered their property with debt. When they come to speak of the City of Dublin, they state that the City of Dublin is in debt. Now this is quite true; but they say that the origin of that debt is beyond the memory of man, and they give no further account. My Lords, it was in evidence before them, on unexceptionable testimony, that that debt was, in a great degree, contracted by the corporation from the expenses incurred in raising a regiment for the defence of the country and in giving contributions to the levy of seamen. This would have been an honourable account of the debt, and as they could not fasten upon a dishonourable one, they left your Lordships to conjecture what you pleased, knowing that it is no good sign, either of a corporation or of an individual, to be

in debt. But, more than this, they say that of late years the debt has been increased: another charge of mismanagement insinuated, although not openly made. They have not the honesty to tell your Lordships how it had been increased; but another part of the Report makes it evident that, in fact, it was by the failure of Alderman Carleton, the City Treasurer, a man in whose solvency the corporation placed, and were justified in placing, every confidence: but who, in the vicissitudes of trade, which occur in every mercantile community, failed, and involved the city to the extent of **40,000*l.*** Thus, my Lords, was the debt, in great measure, originally contracted, and thus it principally increased. The Report states the debt to your Lordships, but it does not allow you to judge how far it reflects discredit upon the corporation that it was thus contracted.

I have stated that, except general allegations of unfitness, there is scarcely a charge made against the City of Dublin. I can go further. There are upon your Lordships' table two documents, the General Report on the State of the Municipal Bodies, and the Appendix, containing a special report as to each corporation. I pray your Lordships to bear with me (I will do it as briefly as I can) while I shew your Lordships, even on the evidence of these documents themselves, that of the charges which they put forward in their Report as condemning the Corporations

in general, they are found, in the Appendix relating to Dublin, to acquit that city.

In the first place, in the Report, at page 34, they state that the property of the Corporations has been made away with—has been applied to private purposes. A serious charge, I admit; but on turning to their own Report relating to Dublin, they say (p. 256) that within the memory of any man not a single improvident grant has been made of property by the City of Dublin. In the same page of the Report they state, that the management of the corporate estates involves a disregard of the public interest, and inattention to pecuniary matters; but when we come to refer to the Appendix relating to Dublin, we find it stated that since the appointment of the present officers,—a period, I believe, of nearly thirty years,—the pecuniary affairs of the City of Dublin have been managed with marked faithfulness and carefulness. (P. 42). Another charge against the corporation at large is their debts. They state the origin of the debt of the Corporation of Dublin is so old as to be unknown; this is in itself almost, if not altogether, an acquittal. But I have shewn to your Lordships that they have suppressed facts relating to that debt. I have thus contrasted their general charges with their particular statements as to Dublin, and I am bold to say, that if your Lordships have been induced to believe that this Report contains any specific charges whatever

against the City of Dublin, of mismanagement, or corruption, or of improper appointment of officers, or of oppression of any class of their fellow-citizens, it is an entire and complete mistake. The commissioners have not, indeed, the honesty to pronounce an acquittal, but they cannot bring a single charge, except a few—trivial and paltry; and when this was the report from such a commission, I am justified in saying that it is a triumphant acquittal.

I beg to call your Lordships' attention to another part of the Report. In page 29, after stating the appointment of sheriffs, and objecting to that appointment by the exclusive body, they say, “In the evidence given before the Commissioners of Inquiry into the Fees and Emoluments of Courts of Justice, and published in their fifteenth Report, in the year 1826, we find a case of the direct packing of a jury for a criminal trial at the court of quarter sessions, at the instance of one of the parties.” No doubt such things may have occurred, and as long as men are open to corruption they will occur, no matter who may appoint sheriffs. To find this one solitary charge, they resorted, not to the evidence taken by themselves, but evidence given fourteen years ago; but they add, “No evidence has been laid before us of any similar abuse in that or any of the other courts to which jurors are returned by the sheriffs of the city.” “No evidence has been laid before us!”

How cautious, how niggardly, how spiteful, this extorted verdict of acquittal ! but, therefore, how triumphant ! The sheriffs of Dublin return jurors to all the superior courts of Ireland : out of all they find, in the report of an old commission of inquiry, that once upon a time a quarter-session jury was packed ; but no evidence before themselves, armed as they were with inquisitorial power ! advertising for accusers of a falling body ! a body surrounded by an unscrupulous populace, opposed to them in politics and religion ! My Lords, this is a triumphant testimony indeed !

I have called your Lordships' attention to the remarkable admission that no improvident grants have been made by the City of Dublin within the memory of man. I am not much concerned with any thing beyond this : your Lordships will scarcely punish us for the sins of a remote antiquity. But, my Lords, I ought to observe that these grants of ancient times carry no real imputation. In times not very far distant, individuals in Ireland were in the habit of giving away grants of property with an imprudence which in this country would have been deemed madness. It may have been the unsettled state of the country—the familiarity with confiscation—the ease with which property was acquired, and the difficulty of keeping it, that made men less unwilling to part with it. *Facile parita, facile dilabuntur.* Whatever may have been the cause, certain it is, that even in

examining the titles of Irish property, we constantly meet with conveyances of reckless generosity. The Corporation of Dublin was not exempt from the national imprudence; but if these grants were improper, the fault is not that of the body but of the country and the age.

Among other charges gravely mentioned in this Report, we find it stated that, in one of the city courts, an officer was dismissed for pawning a pair of gates which he had seized under an attachment! I know not why they considered it necessary to inform your Lordships on this point: perhaps the crime was that he was dismissed. Your Lordships will forgive me for noticing such frivolous accusations; but it is upon such charges, and such charges alone, that this ancient corporation is to be condemned. Failing in establishing any serious case of misconduct, the commissioners turned their inquisitorial powers to hunt after such petty delinquencies as these. No scandal was too base, no tattle too contemptible, no charge too ridiculous, provided only it could cast a slur upon the authorities of this ancient city.

In another part of the Report they object to the arrangement of the Sheriffs' Office, because it leaves to the sub-sheriff the management of the details of the office without the interference of the high-sheriff; an objection which I believe applies to every sheriff's office in Ireland. But the sub-sheriff, they say, may be an obscure and irre-

sponsible person ; and then, in the next page, they state that the sub-sheriff gives security to the amount of 20,000*l.*, not nominal, but *bonâ fide* security, taken by the sheriffs for their own indemnity ; and, therefore, I should apprehend, he cannot be considered as unknown or irresponsible. They object, again, to the arrangement that is carried into effect between the high-sheriff and sub-sheriff in another respect. The fees of the Sheriffs' Office are considerable, amounting to three or four thousand a-year. The high-sheriffs are subject to a considerable expense, and the arrangement is that the sub-sheriff shall pay out of those fees a sum nearly, though not quite, sufficient to indemnify the high-sheriff for keeping up the hospitality of his office, and defraying the other expenses. The commissioners object that that is illegal. This matter was very recently discussed in the Court of Chancery, before my Lord Chancellor Plunket, and Lord Plunket gave his opinion that nothing could be more fair than such an arrangement, that it violated neither the letter nor the spirit of any statute.

Another charge is, that the Common Council are distinct from the mercantile body in the city. And how, my Lords, do they prove this ? They state that the Chamber of Commerce does not contain a single alderman or sheriffs' peer. It being perfectly notorious that the Chamber of Commerce was formed by a party opposed to the

corporation, and for the express purpose of disputing some fees claimed by them; and yet, they say, because the aldermen or sheriffs' peers are not members of this hostile body, that it is clear that the corporation does not include the mercantile interest. I assert, my Lords, that the corporation contains a fair proportion of the wealth and respectability of the city — that is, of the Protestants. I admit their exclusiveness. In the same way of the Guild of Merchants, they say that the majority of respectable merchants are not members of it. That is not true: there is scarcely a single respectable Protestant merchant in the City of Dublin that is not free of the Guild of Merchants.

My Lords, I have been thus particular in examining the details of this Report; not because I believe these matters to be in themselves, perhaps, of importance, but because it is upon this Report that you are called on to pass this Bill of Pains and Penalties. If the simplest rules of justice prevail, it is utterly impossible, on such evidence, to take away the most unimportant right: we have been put upon our trial by this commission,—we demand that our tribunal should be impartial, and our trial be fair. If you pass this Bill, you set the stamp of your approbation upon these proceedings—proceedings which (respectfully I say it, my Lords) not even that stamp can render any thing but disgraceful. As a court of justice, my Lords, you cannot act upon

this Report,—you cannot make this inquiry, unfair, partial, and dishonest as it is, the ground of a bill of pains and penalties against a whole people ; —unfair in its origin, partial in its proceedings, and dishonest in its result ; —unfair, because the men selected to try this corporation were pledged to destroy it ; —partial, in collecting every the basest evidence against my clients, and rejecting the most unexceptionable testimony in their favour ; —dishonest, in suppressing and falsifying the evidence of which they professed to give their report.

My Lords, when the crown sent out this commission, an issue was sent to be tried ; on that issue we now come before your Lordships for judgment. If the verdict be one in our favour, we have a right to demand judgment for us at your Lordships' hands, —if against us, we impeach our trial as iniquitous and unfair.

I may be told that your Lordships, in the supreme discretion of your legislative power, do not need this inquiry to justify your acts. I ask, then, Why was this commission issued ? It was competent to your Lordships to legislate without inquiry ; you had the power to punish without investigation : but the framers of this Bill have thought it necessary to institute an inquiry ; they have thereby made it necessary that there should be a fair one. Your Lordships might have condemned us without a trial, but not after such a trial as this. You cannot act on this evidence ; you cannot now act

without evidence: the character of the commission forbids the one, the fact that it has been issued is a bar to the other.

If your Lordships are called on to act on this commission, you must have two things clearly established: that it was a fair commission, and that it supplies sufficient grounds for a bill of pains and penalties. We have disproved both. If you are called on to act independent of it, I ask, Why was it issued?—Surely not to justify a determination previously formed, and to be carried into effect even if no sufficient excuse were found! “Punish these corporations: if we can find good grounds, so much the better; but, at all events, punish.” I cannot believe that, in the mind of a single member of this illustrious tribunal, the resolve to punish had, in fact, preceded inquiry; and that after this resolve — on this resolve — a commission was issued to examine — to search for evidence — to torture by inquiry, and extract some confession that might justify that which was in effect determined on, even if no justification could thus be found. Your Lordships remember, but you will not imitate, the ancient judge:—

“Castigatque auditque dolos, subigitque fateri.”

There is, indeed, one charge (if I am correct in using the expression) which is not denied, — and that is, the charge of exclusiveness. In the conscientious exercise of a discretion confided to them

by their charters, the City of Dublin have confined their franchises to persons professing the Protestant religion. My Lords, you have heard our petition ; I have no instructions on the subject of maintaining this exclusiveness. We leave this question to your Lordships' wisdom. You must decide how far you can change that exclusiveness with safety to the Protestant Church. I only argue, that in the past exclusiveness of the Corporation there has been nothing criminal, therefore nothing to justify the measure before your Lordships.

I will briefly go through the history connected with this subject ; your Lordships will judge how far it supplies a criminal ground for condemnation.

Before the year 1793, Roman Catholics were excluded from the Corporation of Dublin by law. Up to that period, therefore, if there be a crime in exclusiveness, the legislature, and not the corporation, is to blame. Then, for the first time, the City of Dublin obtained the power of admitting them. They were not desired by that law to admit them : there was nothing in that act which, even by implication, could be construed into a legislative direction. The capability of admission to lay-corporations was conferred incidentally along with other privileges. It might as well be contended, that when the legislature gave to Roman Catholics the permission of holding leases of a long term, that every landlord was criminal who neglected to give them such leases on his estate, as

that the City of Dublin was criminal in not avail-
ing themselves of the power conferred by the act
of 1793.

Scarcely had this act been passed, when the disaffection spread through the country, which broke out into open insurrection in the sanguinary rebellion of 1798. Unhappily for Ireland, that rebellion was a religious war. Designs were proclaimed to establish a Roman Catholic ascendancy in Ireland. I will not pain your Lordships by dwelling on the horrors of that period. It was not during that period of peril and alarm, when every man was suspected, and the loyalist scarcely knew whom to trust, that it could be expected that the City of Dublin would abandon the safeguard of exclusiveness. My Lords, I repeat, that war was a religious war,—a war on Protestant institutions; and however loyal individual Roman Catholics may have been, in spite of their religious prejudices, I say fearlessly, that the government and the legislature were forced to regard the body—as a body—disaffected; and had the corporation then, while a religious war was waged upon the royal authority in Ireland, thrown open their franchises to Roman Catholics, the government would have deemed it little less than an overt act of disloyalty, and an abetting of treason.

Then followed the mysterious, the yet unfa-
thomed insurrection of 1803, when a conspiracy
was within half an hour of seizing on the Castle of

Dublin, and proclaiming an insurrectionary government. Again a religious war! When the Chief Justice of Ireland was barbarously murdered in one of the leading streets of its metropolis ; and when it was notorious that there was a French party and a Roman Catholic party ready to sever the connexion between the two countries. Will your Lordships tell me that the Corporation of Dublin were then called on to admit to their franchises a class regarded as disaffected ? I do not inquire into the policy by which that disaffection may have been produced ; if that policy was wrong, it was the fault of the British government. It only concerns me to allege that such was the state of the country, by whatever cause produced, that the corporation was not to be blamed if, in fidelity to their trusts, they thought themselves bound to maintain their exclusiveness.

In 1810 was commenced that fierce Roman Catholic agitation, which for the next twenty years disturbed the country and embarrassed the government. The Irish Roman Catholics demanding emancipation — the British government and the British legislature refusing it. All this time a Roman Catholic question, avowedly a religious one, was agitated in opposition to successive ministries and successive parliaments. Act after act was passed by this parliament to control or suppress boards and associations, Roman Catholic even in name. A contest was going on in

which the whole feelings of the Roman Catholic population were enlisted against the government. My Lords, your own government would have regarded it as a dereliction of duty had the City of Dublin by its act proclaimed its surrender of the principle of exclusive Protestantism. Not a single intimation was conveyed to the corporation, directly or indirectly, that parliament disapproved of their conduct,—if any thing, it was distinctly approved of; successive marks of approbation were bestowed upon them—not a syllable of censure breathed. I say nothing of the conduct pursued by the Roman Catholic leaders themselves; of the fierce and irritating attacks which were made upon all the authorities of the city, upon the corporation itself—attacks not very likely to conciliate. Your Lordships will recollect that I am only contending, that the exclusion of Roman Catholics by the city is not a criminal act sufficient to warrant this Bill of Pains and Penalties.

Then came the measure of 1829; and then, and then only, can it be contended that it was manifestly the intention of the legislature that the exclusiveness of the corporation should be removed. My Lords, I might admit they have not complied with the spirit of the act, and yet I might claim something of indulgence for prejudices which your Lordships yourselves have nurtured and encouraged. I might remind you how long you had paused, how long you had refused to admit

Roman Catholics here; but I will again appeal to the circumstances of the country. Immediately on that measure being granted, instead of the Roman Catholics acquiescing in its policy, and, satisfied with its concessions, giving up all agitation, the repeal of the union was made, in reality if not in name, a Roman Catholic question; associations were formed in the City of Dublin strong enough to overawe, and daring enough to defy, the law; the proclamation of the Viceroy in the morning was met by the procession of multitudes in the evening parading the banners and emblems of sedition through our streets. When our garrison was kept constantly under arms, and the guards at our posts were doubled; nay, more, when your ministry—the ministry of Earl Grey—were driven to rely on the loyalty and the strength of the Protestant population of Ulster, when they called out and armed the yeomanry of that province, shall I be told that then it was a crime in the city to keep up the principle of exclusiveness, when the very Roman Catholics whom they would most naturally have selected as the first object of their experiment were the foremost in the ranks of the agitation for repeal?

Then succeeded the war upon the Irish Church—a war religious in its character. Then it was that multitudes were collected together to spoliate the clergy of the Protestant religion. Then it was that the ministry were compelled to come down and ask for a suspension of the

constitution of Ireland, in consequence of the religious war then waged,—a war carried on in the name of the Roman Catholic population of Ireland, against which none of them protested: Where were the city then to find the objects of their admission, unless they admitted the violent enemies of the Protestant Church? This has been the state of things from 1793 up to the time your Lordships first entertained this Bill. So that the very first intimation the corporation received that it was your Lordships' wish that exclusiveness should be done away with was this Bill of Pains and Penalties, and this introduced because they had fulfilled the trusts of their charters. My Lords, my argument is not that this exclusiveness should be maintained,—this I leave to your Lordships' wisdom; but it is this, that there is nothing in the past history of that exclusiveness to make it a crime. If you are bound by those rules of justice which in every, and especially in this the most illustrious, assembly ought, against every other consideration, to prevail—if you determine at last upon a legislative interference with this exclusiveness, you must do it by some measure less violent than the total confiscation of our charters.

But in one Corporation of Ireland exclusiveness had been very early done away with; and there was not much to encourage others to follow that example. The Corporation of Tuam had admitted Roman Catholics, and here is the Report of the commissioners, which shews that that

corporation had become exclusively Roman Catholic; in 1817, they disfranchised the Protestant burgesses and elected Roman Catholics in their place. Their revenues are derived from tolls: of these tolls, worth 400*l.* a-year, they have made a lease for 250*l.* to the Roman Catholic archbishop and the committee for building the Romish Cathedral; and even of this reduced rent they have stipulated that the surplus, after paying some necessary charges, should be applied to the building of this cathedral! Every penny of their disposable income is thus applied. Your Lordships will find all this detailed in the Report on the Borough of Tuam,—not a word of censure or of reprehension, but rather praise. Your Lordships will find it also stated that “the sovereign and burgesses are now, all with one exception, of the Roman Catholic religion;” though I am bound to tell your Lordships it is added—“It was stated to us that there are not now any religious or political prejudices in the election of burgesses.”

There is one charge in the Report to which I ought to allude, but to which I accidentally omitted to advert in the proper place. It is the only one involving any charge against an officer. It is stated in the Report, on the jurisdiction of the lord mayor in inflicting fines, that he has used his power in an improper way. Most probably, my Lords, the passage to which I allude would have escaped the notice of every noble Lord in this house; it

contains a charge, and I will call your attention to it. I have no wish to conceal any thing, to gloss over any thing. The way, my Lords, in which this charge is stated is curious, if not suspicious. They state, that it was admitted by the Registrar of the Lord Mayor's Court that a remarkable practice existed as to compounding for fines: the fine on a publican is 4s. 7d. for a breach of the Sabbath, and when a publican is summoned for the first time, he was in the habit of paying a pound to the registrar as a composition for future fines, the informers of the office visit him no more, and thus he obtains for one pound a plenary indulgence to break the Sabbath for a year. Now, my Lords, I will venture to say that in this representation there is a fraud. While the evidence is suppressed I am bold to say, that no such general charge is warranted.

I do not mean to say that some one lord mayor's secretary may not have acted thus; there have been corrupt men in all stations: but I deny that any registrar could have stated that it was a general practice, as is here insinuated; and for this reason, that each lord mayor appoints his own registrar — generally a private friend of his own. And, my Lords, when you come to examine the evidence, which at last is now printed, you will find that this is a misrepresentation of the evidence, as well as in the case of the three grand jurors.

After all, examine this charge. They do not dare to say that the lord mayor was cognisant of this improper practice — they do not allege that any person who had purchased this indulgence had escaped punishment on a complaint being made against him; — it is only said that, on paying this pound, the informers of the office visit him no more: so that the charge virtually comes to this, that some common informer received a pound not to summon him to the court. I, as a citizen, might summon any one of the publicans to the court, and there is no allegation that my complaint would not be heard.

I venture to say this charge is as dishonest as the rest of the Report. I am almost ashamed of thus dwelling upon such charges, but the Report actually contains nothing else. I can find nothing more serious, more grave, than charges that the informers of the Lord Mayor's Court, were bought off by publicans; and that an officer in another city court was dismissed for pawning a pair of gates. It is literally upon such charges, and such charges alone, that your Lordships are called on to visit with the penalties of guilt this ancient corporation.

I do entreat your Lordships' attention to the case we have made upon this Report, upon which I am sorry to have detained you so long; but it was necessary to shew to your Lordships that this Report was a triumphant acquittal of the City of

Dublin. No mismanagement—no corruption is proved. Upon what is this Bill of Pains and Penalties grounded? The corporation is unpopular—will you ground a Bill of Pains and Penalties upon common fame? Sometimes these commissioners insinuate a charge upon common suspicion—the people suspect its officers. “It is said,” is the convenient formula adopted when they have no evidence which they can produce. Will your Lordships punish us upon this? There is one precedent—it is an Irish one.

In James the Second’s reign an act of attainder was passed against 3000 Protestant gentlemen, and the Speaker of the House of Commons in presenting the bill said to that monarch, “Some of these we have attainted upon such evidence as we think sufficient, but a great many more upon common report;” and when this Bill is presented to Her Gracious Majesty, Her Majesty ought to be told that a very few of the charges, and these trivial ones, rest upon evidence that these commissioners thought sufficient, but that most of them rest upon common report. That act of attainder does supply a precedent, but I will venture to say there is no other.

Now, my Lords, I come to detain your Lordships by an examination of the provisions of the Bill laid upon your table. Perhaps, my Lords, I may venture to say I have shewn you, that even if you should decide upon admitting new franchises,

there is nothing in the past history or conduct of the Corporation to justify your Lordships in taking away those already existing. And now I am sure I will equally demonstrate to you from this Bill, that were the Corporation of Dublin ever so corrupt, ever so guilty, ever so deserving of punishment, you could not inflict a greater curse upon the City of Dublin, or the country, than by creating such a corporation as that contemplated by this Bill. This Bill takes away every existing franchise, and enacts that a new common council shall be elected by the inhabitants rated to a certain amount. And first, my Lords, I will call your attention to the permanent franchise that is proposed. A temporary substitute is provided for the first three years, but the permanent franchise is, that every one rated to the poor-law shall have a vote—that is, household suffrage; for by the Irish Poor-law every property, however small, is liable to be rated and this constitutes household suffrage. I will call your attention to the clause regulating the permanent franchise—it is the 32d. The only qualification is, to be two years rating to the poor-law: it is not necessary that the voter should reside in one and the same house, or hold one and the same property, during the two years; the Bill provides expressly that removal shall not interrupt his franchise. He may be a wanderer in the city, migrating from parish to parish, from alley to alley, from hovel to

hovel—I will shew your Lordships presently, from one room to another, a cobbler moving from stall to stall, and shed to shed, seeking some new shelter as his landlord ejects him from the old. But let him continue to occupy any tenement, however wretched, and be rated to any amount, however small, he is a burgess of the city and entitled to his vote.

Your Lordships must estimate the full effect of this 32d clause, by taking it in connexion with two others. By the 36th clause it is enacted that every occupier may claim to be put upon the rate, while at the same time it is provided that if any act obliges the landlord to pay the rate, notwithstanding the tenant is rated, the liability of the landlord shall be still undisturbed!

Then comes the 37th clause, which is this : “ And be it enacted, that where any of the premises as aforesaid, in any such borough, shall be jointly occupied by more persons than one as owners or tenants, each of such joint-occupiers shall, subject to the conditions herein before contained as to persons occupying premises in any borough, be entitled to be enrolled as a burgess for such borough.” That is, my Lords, that every man rated as a joint-occupier is entitled to have a vote ; and, by the provisions to which I have already called your Lordships’ attention, every man having property is entitled to claim to be rated ; every man who holds any fractional portion of a tene-

ment may be a burgess ; five or six may hold a tenement together, but each of them being an inhabitant householder (whatever restriction this may impose) is entitled to be registered as a burgess.

These are the provisions of the Bill which are intended to be permanent : they are, I believe, too monstrous ever to be adopted by your Lordships. Let us see what is proposed for the first three years : it is proposed that every one rated to the poor-rate to the value of 10*l.*, deducting a certain allowance for repairs and insurance (of which, as my learned friend told your Lordships last night, we know little in Ireland), is entitled to vote. Now your Lordships will observe, that whatever security this gives us for a *bonâ fide* franchise depends altogether upon the honesty, the integrity, and the impartiality of the poor-law valuators ; and we will prove it in evidence at your Lordships' bar, if you should so direct, that the valuators selected for the City of Dublin, for which alone I am concerned, are notorious partisans of the democratic party ; that they have in every instance where practicable raised the amount, in order to bring parties within the franchise. If your Lordships rely upon the impartiality, the integrity, or the honesty of the poor-law valuators, for securing a *bonâ fide* franchise, you will certainly find yourselves utterly mistaken.

But, my Lords, it may be said that the rating will correct this—that men will not submit to a

high valuation when it imposes higher taxation ; but your Lordships will recollect, that if all property be equally overvalued, the proportion of the sum to be raised that falls upon each part of it continues unaltered. A fixed sum is to be raised off a given amount of property in a union ; it matters not whether that property is valued high or valued low, the same sum is to be raised. Only apply the same scale of exaggeration to all, and, except as the proportion between landlord and tenant is slightly altered, the sum payable by each individual remains just the same. If the property in a union be really worth 20,000*l.* and you have to raise a tax of 1000*l.*, you lay on a shilling in the pound : estimate it however at 40,000*l.*, that is, double every man's nominal value, you still raise the 1000*l.* by a tax of sixpence in the pound ; and every individual pays exactly the same sum he did before.

But, my Lords, even admitting that the valuation was unequal—that houses worth nine pounds were placed on a level with houses worth ten, let us estimate the full value of the security afforded by the additional tax. The poor-rate declared in the north union of the City of Dublin is five-pence in the pound. If the nine-pound houses be all rated at ten, the franchise on which your Lordships rely is completely disturbed ; yet each of the houses thus improperly obtaining the franchise, incurs but an extra charge of five-pence in the year. A house

is raised from eight pounds, at an annual charge of ten-pence, a charge which the occupier will gladly pay for the franchise: it is not that a man above the line is subject to a tax, and the man below it to none; it is only that one man will pay a few pence more in the year by being rated to the standard of the franchise.

If, before your Lordships pass this Bill, you will ascertain how many persons in Dublin have petitioned to have their ratings raised, and an additional value set upon their tenements, and the result of their petitions, you will at once, far better than by any argument, understand the value of the test of franchise furnished by the poor-law system, as it has been managed in Ireland.

I assert, my Lords, that the poor-law system, made as it has been—dishonestly made—an engine of partisanship, supplies you no test whatever of a *bonâ fide* franchise; but I feel justified in stating, that even if you could obtain a *bonâ fide* ten-pound rating, the corporation would be exclusively Roman Catholic; at least, in the body that would elect it, the Roman Catholic would be to the Protestant householders in the proportion of two to one.

My learned friend last night put before your Lordships a calculation, prepared by a gentleman ready to verify it at your Lordships' bar (Mr. Hamilton, the late member for Dublin), who calculates the Protestant ten-pound houses at 4000, the Roman Catholic at over 9000. The result is, that the Roman Catholics, distinguishing them as a religious

sect, would, in fourteen out of fifteen wards, be able to elect the common-councilmen; and that, in the remaining ward, the Protestants would be able to carry the election by an immense majority. Each ward returns six common-councilmen and one alderman; and out of the 105, seven would be returned by the Protestants. I am not prepared to say that a Protestant may not be returned by the Roman Catholics, but he would be a Protestant ready to do their bidding. I do not wish to allude to parties at this bar, but there are in Ireland two known and defined parties upon one point—those prepared to support the Protestant Church, and those determined to destroy it; and, out of fifteen wards, the elections of fourteen will be controlled by those determined to destroy the Protestant Church.

It is, my Lords, by the disfranchisement of the freemen—a disfranchisement in itself unjust—that this Bill takes away from the property, intelligence, and character of the city all chance of influencing the municipal elections. I may be asked, Will not the freemen of respectability retain their votes as ten-pound householders? The question is one that naturally occurs to the mind. My Lords, the freedom of the City of Dublin has been conferred upon almost all the respectable Protestants in its vicinity who have had any long connexion with the city; upon men who had distinguished themselves in the naval or military service of their country; upon men eminent in

literature, science, or art. Many retired merchants, freemen of the city, and others living not within the city but in the neighbourhood, possessing still large property in the city, will be disfranchised by this Bill; for though a man may be owner of fifteen thousand a-year in fee-simple, he will have no vote under this measure. Your Lordships, too, will recollect that the sons of freemen are all free, and thus a whole family, occupying but one house, acquire several votes. There are houses in the city worth 300*l.* a-year, the inmates of which, if the rights of freemen were retained, would command several votes, which by this Bill will be placed on a level with the house rated at ten pounds. If your Lordships decide on adopting this Bill, and still retain the rights of freemen, whether by permitting them to vote in the wards with the householders, or by enacting that the guilds should still send a portion of representatives to the common council, you will have at least devised a mode by which the exclusiveness we apprehend will be in some degree prevented, and the property and respectability of the city retain some share of influence in its municipal institutions.

My Lords, I do not hesitate to say, unless you can devise some such means of countervailing the influence of the democratic principle, that, even with a *bonâ fide* ten-pound franchise, the new corporation of Dublin will be composed almost exclusively of men pledged to repeal the union

between the countries. In proof of this, I refer your Lordships to our recent election for poor-law guardians. Men were elected who were certainly not the best qualified by station or by property ; who were violent partisans, and pledged to repeal. Of six wards on the north side of the city, just the same as those under this Bill, the party that support repeal and the destruction of the Church carried the elections of their nominees in five ; on the south side they were not quite so successful, being defeated in two or three out of nine : but the result of the entire election was, that out of thirty-six guardians, twenty-two were Roman Catholics ; and, classifying them by political opinions, twenty-five were men who had voted at the last election for the candidates pledged to destroy the Church ; only eight who had voted against them. And thus, though by the mode of voting under the poor-law, property is, in some degree, represented — under the municipal-bill not at all.

If I wanted an argument to satisfy your Lordships that the new corporations will be made engines of partisanship, I could find it in the contests under the poor-law in our city. The office was one with which politics had nothing to do ; the measure, one with respect to which charity ought to have hushed to silence all political and religious discord : but every election was made the subject of a fierce religious and political contest ; placards

have been posted in our streets, such as would in this country scarcely be published during a parliamentary election, and the rate-payers were called upon to reject respectable gentlemen because they were not violent enough as partisans. Then, if the poor-law bill has been turned into an engine of political discord, it is impossible that the corporations will not be so too. My learned friend has stated, that the men elected as guardians were nominated in many places from the altars of the chapels, and he has offered to prove it; — it is, my Lords, almost universally the case. If that has been done in the poor-law, how much more will it be done in the municipal, elections?

Now, I pray your Lordships' attention to another clause with relation to the franchise. The lord mayor is made by this Bill the judge of the admission of burgesses, assisted by two assessors; but assessors chosen, like himself, by a partisan town-council. If he reject a claimant, it is true there is an appeal expressly given, but there is none against his admission. Your Lordships will understand the full evil of this only by bearing in mind those clauses, which relate to the extension of the franchise to joint-occupiers. It will be in the power of a partisan lord mayor to admit the rabble indefinitely; — no appeal is given — his decision is final. I may, perhaps, be told, that, independent of this act, there is the right to apply to the Queen's Bench for a *quo warranto*; but, my Lords,

this right is, by this act, not openly, indeed, but covertly, and by implication, taken away: the 56th clause, which regulates the application for a *quo warranto* is studiously confined to mayors, aldermen, and councillors. The lord mayor's admission of a burgess is, therefore, made absolute and final.

Another regulation in this Bill is this. By the 51st clause, the lord mayor is to hold an annual revision of the list, between the 1st and 15th of October; and if any man is objected to, and does not sustain his qualification, he loses his vote. See how this would operate in Dublin. Dublin has not a commercial population like other cities: its population is composed of the gentry and professional men, who have little or no connexion with the city except that which its being the metropolis, the seat of government and the courts of law, obliges them to have. Some of your Lordships will readily understand that gentlemen of our profession, during what is commonly called the long vacation, are glad to escape as far from the city as we can; and it is just during the time of our absence that this revision-court is fixed, even were we inclined to endure in one of these courts an annual quarrel with the rabble of the city. Nay more, suppose any of us were patriotic enough to abridge our summer relaxations to contend for our right to vote for a common-councilman, the mayor may fix the revision after three days' notice; and this, at a period when every professional man, and every

gentleman not locally connected with business in the city, is absent.

When your Lordships come to consider the peculiar circumstances of this population, you will see how vain it is to expect the better classes of the city to claim or to exercise the municipal franchise. It is an unfortunate, perhaps, to human nature, a humiliating truth,—but it is a truth—that, generally speaking, the higher we ascend in the scale of wealth, independence, and even character, the less disposed will we find persons to submit to annoyance and trouble for a political object. Those to whom the franchise is a personal object,—those whom its possession makes of some consequence, will submit to annoyance and trouble to attain it. I need not tell your Lordships, that, to different grades of society, apparently the same exertion involves a very different amount of sacrifice. The gentry have fixed their residences in Dublin for pleasure, not to become burgesses; professional men to follow their professional avocations. These classes will not attend the revision once a-year, they will not vote once a-year,—all for an object apparently so insignificant as the return of a common-councilman. Thus the principle of a democratic corporation is here palpably unjust, because you virtually exclude from all share, even the smallest, in its management, the large and the most influential portion of its population, which consists of the gentry and professional classes of the king-

dom ; while by this Bill you subject us to an enormous power of taxation, by a common council in which we have no voice.

It will, my Lords, be an anomaly in society, that the corporation of a metropolitan city should be directly and bitterly opposed in religion and feeling to the great majority of the gentry and professional classes — yet this anomaly your Lordships will create by the proposed incorporation of Dublin.

I have, perhaps, made plain to your Lordships what will be the constitution of this new body ; I will now speak of their powers.

My Lords, I will first call your attention to the 98th and 99th clauses of the Bill. The 98th clause enacts that the town council may appoint one person to be town clerk, and another, treasurer ; “and also may appoint such other officers as have been usually appointed in such borough, or AS THEY SHALL THINK NECESSARY, for enabling them to carry into execution the various powers and duties vested in them by virtue of this act, and may, from time to time, discontinue the appointment of such officers as shall appear to them not necessary ; and such council or board shall take such security for the due execution of his office by any such town clerk, treasurer, or other officer, as the said council or board shall think proper ; and shall order to be paid to the mayor, and to the town clerk and treasurer, and to every such

officer to be employed as aforesaid, SUCH SALARY OR ALLOWANCE AS THE SAID COUNCIL OR BOARD SHALL THINK REASONABLE."

So that, my Lords, the discretion of this town council is to be the limit on the salaries of the officers. The 99th clause annexes to this a provision that enacts, that if they appoint an officer not usual in the borough, in that case the appointment must be approved by the Lord Lieutenant; but that your Lordships may see how far this will be any check—you will perceive, with regard to the offices already in existence, no such control is to be exercised over the amount of salary; the only thing reserved is that they must not appoint any officer not usual—I will just read for your Lordships a list of officers now usual. They have a Coroner, President of the Court of Conscience, Town Clerks, Marshal, Water Bailiffs, Serjeants at Mace, Secretary of Lord Mayor and Registrar of Lord Mayor's Court, Registrar of Court of Conscience, Bailiffs of that court, Crier, Governor of Newgate, Keeper of Sheriffs' Prison, Treasurer, Accountant, Architect, Surveyor, High Constable, Sword Bearer, Mace Bearer, Officer of Commons, Clerks of the Market, &c. &c., and last, not least, the City Chaplain. To every one of these officers they may appropriate, without any control from the privy council, any salary they think fit: electing some notorious partisan as lord mayor of Dublin, they may vote him 10,000*l.* a-year; to the city chaplain, who

need not be a clergyman of the established religion — that is proved in England — who will be a Roman Catholic prelate or priest, they may vote 3000*l.* or 4000*l.* a-year. The mace-bearer's office may be conferred upon some man who has performed distinguished service to the anti-English and anti-Protestant party in Ireland, and they may give him 1000*l.* a-year, without any control. Here is room for patronage enough in converting these offices, small but still usual, into lucrative ones. And give me leave to say, my Lords, that, even with regard to the creation of new officers, I would look with some alarm at the check proposed in this Bill — it leaves in the government something like a power to job with the corporation — and if the government refuse to consent to the new appointment, the refusal towards an individual is always ungracious — suppose the appointment to be connected either with politics or religion, it will at once place the government and the corporation in an unfortunate collision, perhaps upon a topic well calculated to excite popular feeling.

Now, my Lords, there is, I admit, and my learned friend called your attention to it last night, a clause directing the accounts to be laid before the Lord Lieutenant, and abstracts laid before Parliament. For what purpose? The Lord Lieutenant has no power of control — Parliament has no power of control. Can any man imagine that a sense of shame or dread of exposure

in your Lordships' house, or the other house of Parliament, might influence this democratic corporation ? A great statesman long since well observed, that a democracy is the most shameless of all shameless things. What would be to the town council of Dublin the debates in your Lordships' house, if they vote the money of the citizens as I have shewn you they have the power to do ?—the opinion of their own little public would be with them. Perhaps your censures would be quoted, but it would only be to shew how little sympathy a Saxon parliament in England had with the Irish people.

But I may be asked where these funds are to come from. I will shew you ; and let me here observe, my Lords, that in this Bill you are throughout legislating on unknown quantities,—nothing is honest—nothing is fair ; important enactments are carried into effect by implication. You may suppose you are confiscating property of a few thousands a-year ; at the period of the commission it appears to have been 25,000*l.* a-year, but encumbered with a debt ; but from the falling in of old leases (principally building leases), the commissioners state that they were informed by the city treasurer that the increase on the present income would amount to an addition of 15,000*l.* a-year in twenty years : six or seven of those years have already passed. After the most minute inquiry that I have been able to make, I think I could establish at your Lordships' bar (I wish to be

understood as not speaking with perfect accuracy), that within a period of thirty or forty years from this time, the property of the Corporation of Dublin, at the lowest calculation, will amount to not less than 50,000*l.* a-year.

All this property, my Lords, is confiscated by this Bill; nay more, whatever property may be possessed by the different guilds is transferred to the new corporation: this latter, my Lords, an act of spoliation, without even the semblance of excuse. By the 13th clause the new town council "are invested with all the lawful franchises, rights, trusts, powers, authorities, properties, and estates, now or of late legally vested in, and belonging to, or which of right ought to belong to, the old bodies corporate." This same clause dissolves the existing bodies named in schedule A. It is worth while to call your Lordships' attention to the heading of this clause,—certainly not the heading under which you would expect to meet with these provisions of confiscation; the marginal heading is simply "Corporations in schedule A to be styled mayor, aldermen, and burgesses!" But this is not all the fraud: I have said that this clause transfers all the properties of the guilds, and destroys these bodies. Your Lordships may read over the clause again and again without detecting a single hint of this: but when we turn to the interpretation clause—a clause generally passed without observation—we find these words, that "body corporate shall be construed to include

all guilds or fraternities of, within, or connected with, such body corporate." If it were necessary to destroy these guilds, would not the honest way to do it be by a direct clause, enacting, that whereas there are in the City of Dublin twenty-five guilds with separate charters and distinct property, these charters should cease, and this property be taken away? But every thing in this Bill is dishonest; the suppression of these bodies is accomplished by an interpretation clause — twenty-five corporations swept away by an explanation! by a new meaning put upon words! private properties confiscated by the same! — a clause of confiscation extended to totally different bodies by the formal interpretation clause! and even the clause itself headed as if it were only regulating a matter of etiquette, fixing the proper title of the corporation!

In addition to this property which is to be handed over to this new corporation, they are to have a power of taxation, for the first time conferred upon corporations in Ireland; this power is given by the 134th and 135th clauses. My Lords, I am free again and again to repeat, that throughout the whole of this Bill, from the beginning to the end, nothing is fair, nothing is open, nothing is above board; — every thing is done by trick, every thing is done by manœuvre, every right is conferred or taken away by implication. Instead of saying, Be it enacted that they shall have the power to make a borough rate, and then proceeding to regulate

and limit its collection, it is enacted that they shall have the power of taxation conferred upon the commissioners in the act of the 9th of George the Fourth, an Act for Paving and Lighting Towns in Ireland ; thus sending us to examine the provisions of another, and perhaps a complicated statute, before we ascertain the actual powers that this Bill confers.

My Lords, I hold in my hand the statute of the 9th of George the Fourth, which is here referred to. If your Lordships will bear with me for a few minutes on a dry question of law, I will call your attention to the peculiar wording of the clause in this statute conferring the power of taxation. The commissioners are empowered to make not one rate, but three distinct and separate rates : one on houses over 20*l.* a-year in value up to 1*s.* in the pound ; another on houses between 20*l.* and over 10*l.* of 9*d.* in the pound ; under 10*l.* of 6*d.* ; obliging them, however, whenever they make one of these rates, to make at the same time the others, and in the same proportion.

Now these powers of taxation are given to the town council with this qualification by this Bill, " Except that every such rate shall be, and is hereby authorised to be, assessed and levied, and raised from and off the owners, occupiers, or tenants of all hereditaments rateable for the relief of the destitute poor in Ireland, in an equal and uniform manner."

Do these words control the graduated scale established by the 9th of George IV.? If so, to what extent of rate does the authority of the town council extend? If they are not to levy three rates on three distinct classes of houses, but one uniform assessment upon all, which of the three limits mentioned in the former statute controls them? A court of law will, no doubt, find means of solving the difficulty. When your Lordships recollect that by the former statute three distinct rates are to be levied, it may be a serious question whether the proviso in the Bill now before you may not be construed, not so as to interfere with the graduated scale, but to apply distinctly and separately to each of these three rates, enacting that each of them shall be levied in an equable and uniform manner on that class of property which is subject to it; and that the exception means simply to substitute for the old valuation the new valuation under the poor-law, as the basis of the municipal rate — and to subject to the new tax all property rated to the poor-law, in some respects different from that subject to the former tax.

This, however, my Lords, is immaterial, whether the rate be levied uniformly or on a graduated scale; whatever, however, be the power, it ought to be defined to prevent litigation hereafter. There is no doubt, however, that they have the power to levy a rate. Sixpence in the pound will produce

18,000*l.* a-year; ninepence, 27,000*l.*; one shilling, 36,000*l.*; the valuation of Dublin being 704,000*l.*

This is bad enough: but conferring, as I have said, this power by implication, you are giving them an extent of power of which, up to this hour, you are unaware. This clause, my Lords, confers upon the democracy of Dublin an UNLIMITED POWER TO TAX ITS PROPERTY: a power of which I confess none but a lawyer would ever have detected the existence in this clause; and a lawyer only, because his profession has trained him to look for fraud. The limited rate the commissioners, and, consequently, the town council, have a right to impose of their own authority; but by the 45th clause of the 9th of George the Fourth they have the power, if two-thirds of them agree, of recommending an extraordinary assessment, indefinite in amount, upon calling a meeting of rate-payers; and if the majority present at this meeting agree to the assessment, they have the power of levying a rate to an unlimited amount upon the citizens. I will venture to say, my Lords, so artfully is this power conferred, not by honest and direct words, but by reference to a statute on another subject, that there is not a single noble Lord in your Lordships' House, who was aware that, not merely by this Bill were you giving the town council the power of levying 6*d.*, or 9*d.*, or 1*s.* in the pound, but that you were giving them

the power absolutely, according to the majority of rate-payers at a public meeting assembled, where the populace will always bear sway,—that you were giving them the power of levying an unlimited rate within the city. If it were fair or right to confer this tremendous taxing power, it ought to have been done directly, not by implication. Of those who have paid most attention to this measure in Ireland, I know of no one who was aware of this extraordinary power contained in this clause. Those who have property, whatever be their creed or their class, looked with alarm on the limited power of taxation which it was understood this Bill conferred, but they never dreamed of the tremendous and unlimited power which is behind this. In a consultation with my two learned friends, we had examined this clause several times with care before we discovered that such an extraordinary power was conferred. In addition to the ordinary rate which they may impose of their own authority, two-thirds of the common council, with the consent of the rate-payers, have the power of taxing the population of Dublin to any amount. For what purpose? “For the purpose aforesaid:” of appointing “what officers they think fit,” and voting them what salaries “they think reasonable!”

Now, as far as the City of Dublin is concerned, let me again remind your Lordships that, for this enormous revenue and this enormous taxation, they have not one proper municipal function to

discharge : they will not lay down a single pavement ; they will not light a single lamp,--we are taxed for these purposes by a separate board. They will not establish any police,—we are taxed for that by a separate board. We are taxed to pay the grand jury assessments, the expenses of prisons, and such like ; and if another bill, not yet before your Lordships, professes to transfer the powers of the grand jury to these new town councils, it will give them all their powers of taxation. We are taxed for the wide streets ; we are already taxed separately for every conceivable municipal purpose ; and with these purposes the new corporation will not interfere. They will, indeed, supply us with pipe water, but they will have a separate tax for that. The only proper municipal function which this Dublin Corporation will have to discharge, with its enormous revenue and power of taxation, is to supply us with cold water ; and perhaps, my learned friend would say, by agitation keep us in hot water too.

For this large amount of taxation we are to get nothing in return. It is to be solely applied to the payment of officers ; to keeping up an expensive staff for a body whose only business will be political agitation. The very absence of all useful occupation compels them to seek employment the reverse of useful. You create a corporation which you call municipal, and then studiously shut it out from every municipal function ;

you will not let them light a lamp ; you will not permit them to pave a street ; you have provided us a separate police, one man of which they cannot control. You have given them great pomp,— “ The Right Honourable the Lord Mayor and the Aldermen,” with their chains, their collars, and their gowns. I do not speak lightly of these emblems of civic authority. You invest this new body with all the prestige of ancient authority. Is it to be expected that a corporation you have enthroned in dignity will sink down into insignificance and do nothing ? But their choice is between insignificance and mischief. If they do not become political agitators, they have nothing to do. In the name of the great mass of the professional inhabitants of Dublin, I ask for what you will impose on us the tyranny of this body ? We have no objection to the present corporation : it does not tax us ; it does not interfere with us ; it does not agitate against our religion — against the Church we love — the laws we revere — and the constitution we are determined to uphold ; we are content to pursue our avocations at our profession, and have nothing to do with it. But this new corporation will do all these things, while it has no one useful function to discharge. You are incorporating some one of those seditious societies in Dublin which for years have convulsed the peace of the country, and made it difficult for any good government to be established. This act is utterly useless for municipal

purposes; it is an act to incorporate the Trades' Union, giving them the power to legislate and to tax with perpetual succession, by the name of lord mayor, aldermen, and burgesses.

Another clause of this Bill enacts, that whenever the lord mayor pleases he shall have the power of convening the common council — that is, my Lords, a power to hold an Irish parliament in the City of Dublin, to discuss all questions of national policy. You must not judge of the practical effect of such a power in Ireland from what it might be in this country. It will be, my Lords, a power to hold a Roman Catholic parliament, constituted by the vote of this house the legal representative of the metropolis of Ireland, to discuss all grievances, to give authoritative expression to the national voice. You will, at the same time, have established provincial parliaments in all our great towns to second its efforts. When your Lordships recollect the tremendous power which agitation has always had upon the peace of Ireland; when you call to mind the times of danger which all of us can remember, the difficulties that existed in dealing with unauthorised and illegal societies for agitation; when you call to mind that, but six years ago, the Marquess of Wellesley, then Lord Lieutenant of Ireland, stated, in his despatch to my Lord Grey, that "there was nothing he wished more to impress upon the government than that agitation and crime went together in

Ireland as cause and effect; that he could not separate them in an unbroken chain of indissoluble connexion:” will you create through our country state authorities for agitation — legalised, chartered, perpetuated.

I need not, my Lords, say a word about the clauses giving the town council the power of legislation, as my learned friend so fully dwelt on that subject last night; nor upon those regulating the appointment of the sheriffs again placing the corporation and government in collision, the provision being that the town council shall send successively two lists of three persons each, and in case the Lord Lieutenant disapproves of both lists, he shall then name a fit person. This would be a power which he could scarcely exercise, except he had judicial grounds for it, such as would justify the privy council in acting; if he did, his negative would be a popular grievance, and bring the government into collision with the civic authorities.

Nor will I, my Lords, take up your time by dwelling on the provision professing to preserve the rights of freemen at parliamentary elections. My learned friend who preceded me has already, I trust, satisfied your Lordships that to leave these rights to the decision of the new lord mayor is a mockery; and that, unless your Lordships consent to alter altogether in our city the balance of political power settled by the Reform-bill, you must adopt some other provisions upon this subject.

Nor do I feel it necessary to do more than allude to the provisions substituting for our chartered magistracy, against whom no complaint has been ever made, a new commission named by the crown. I will content myself by appealing to your Lordships' experience of the working of a similar provision even in England, and just reminding you that, by the 161st clause of this Bill, it is specially enacted that the borough justices need not in any way be qualified by estate.

I must, however, detain your Lordships while I pray you to recollect the effect which this Bill will infallibly have on the peace and tranquillity of Dublin — what dissensions it will produce — to what ill-will it must of necessity give rise — aggravating and perpetuating every feud — inflaming every quarrel, and legalising and individualising every dissension ! At parliamentary elections our city is the scene of strife that does not soon or easily subside. The relations of trade are interrupted — the harmony of private and of commercial life disturbed. Respectable merchants persecuted for their votes by assaults upon their carriers — combinations formed to destroy them, — shopkeepers proscribed by one party, and this again retaliated by a system of exclusive dealing on the other. How much bad feeling was excited by every election of poor-law guardians ! neighbours dragging each other to the police offices with all the animosity of enemies ; inflammatory placards covering our walls. Once

a-year, my Lords, this Bill creates among us such a strife; once a-year you summon us as good citizens from our avocations to take a part in such a contest — a contest in which the bigotry of religious hate, the fury of political animosity, will be aggravated by passions baser than either — the desire to share in the enormous public plunder that this Bill provides. Every petty motive of personal ambition, — every motive of personal avarice — the greediness for speculation, — every bad passion of the human heart, will be called into action by these municipal contests in our town. Yet the preamble of this Bill professes that it is expedient that our towns may be well and quietly governed.

And let me pray your Lordships' attention to the enormous expenses that will be necessarily entailed. In the first year the Lord Lieutenant is to appoint barristers to revise the lists. Now when you recollect that there will be at least 10,000 claims for the first time to be registered in the City of Dublin, you can very well conceive what an enormous expense will be here, at the very outset, entailed upon the city. Barristers—selected, perhaps, not for the extent of their business at the bar—will sit until they have investigated these 10,000 claims; and, if they are so inclined, they may protract the investigation and make each case a separate record, and all this at the expense of the city. But besides that, in each year assessors are to be

employed and paid in each of the fifteen wards ; polling clerks to be appointed and paid ; polling booths to be erected ; all the expensive machinery of a contested election in each ward once a-year, or “ oftener if need be ;” and all this to be paid for by a tax upon the town ! In the grand jury presentments, I am informed a very large item of the expenditure is that entailed on the city by printing the notices and lists enjoined by the Reform-bill ; all this expense is repeated for the municipal franchise. Then will come the item of law-costs, a mandamus to compel the lord mayor to admit some claimant resisted by the corporation, and the expense falling on the inhabitants ; and yet you are asked to pass this Bill, banishing peace from the town, and involving us in incalculable expense, without any one useful object that has ever yet been pointed out.

These expenses are made necessary, they are inevitable to the working of the Bill ; they are utterly independent of the salaries of the officers left to the discretion of the town council—that is, a power given to this town council to reward favourites at the public expense.

But, my Lords, another enormous charge upon the town will be the compensation of existing officers,—men whom you feel you cannot remove without providing them with compensation ; but whom you remove, not for any unfitness for their office, but solely to enable the new town council

to appoint friends of their own to the vacant places.

I have asserted, my Lords, that this Bill is a total transfer of the corporate powers to bodies totally different from those who now possess them ; — that is, my Lords, it is a revolution. Here is the admission of this upon the face of this Bill. Upon what other principle does it discard, at an enormous expense, every officer of the present corporation—men competent to discharge their duties, and ready to continue to do so ? What is the object of turning away every single officer except the Recorder ?—imposing taxes upon the city that the town council and the castle may divide the plunder between them ? Two gentlemen, perfectly competent to the discharge of their duties, perfectly ready to hold their offices, now jointly fill the places of town clerk and clerk of the peace : they hold their places under a warrant of approval from the privy council. I believe their emoluments amount to nearly two thousand a-year, and the citizens of Dublin are to be taxed to give them compensation : they are turned out of both offices ; and mark this, my Lords, the offices are separated, — the town council to appoint the town clerk, and the government the clerk of the peace. Why, then, remove them, at least, from the clerkship of the peace ? They are already approved of by the warrant of the privy council as competent for that office. Why are we to be taxed, for no reason in the world but to

provide patronage for the Lord Lieutenant? This, perhaps, is the grossest case; but why, I ask again, unless upon the principle that this Bill is to be a complete transfer to parties opposed to the old system—ay, and upon a violent application of that principle—are all the old corporate officers to be turned out, while they are competent and ready still to act? Why must we pay two city treasurers, two law agents,—one because he has been an officer, and the other because he is? Here, my Lords, is the avowal that this Bill contemplates a total transfer,—a transfer perfect and complete; so sweeping that, no matter how respectable, how competent any officer may be,—enough that he was appointed by the old system: he cannot be retained, no matter at what expense to the citizens he is turned out. This very provision proclaims the character of the whole Bill. It is a Bill, not for the good management of our municipal concerns, but a Bill of salaries and patronage,—a Bill to provide places for the adherents of a faction.

Now, my Lords, the point we have urged in our petition is, that Dublin ought to be exempt, as you have exempted London; that, whatever regulations you may hereafter apply to us, you cannot deal with Dublin upon the principle of establishing a purely democratic corporation. In our petition we state our willingness to acquiesce in any measure of reform that your Lordships can

adopt, that will not compromise the safety of the Protestant religion or violate our charters ; but, my Lords, by adopting this measure you will do grievous injustice to the population of a metropolitan city. I pray your Lordships' attention to the peculiar circumstances that distinguish a metropolitan city from all others : in all other towns the population is stationary, they are more or less locally connected with the town, and possess a natural influence in its concerns ; but in a metropolitan city the population is composed of professional men, belonging not to the city but to Ireland ; of gentry, who have their places of occasional residence there ; many noble Lords, members of your Lordships' House, have residences in Dublin : the principle of giving a democratic corporation, even if applicable to other towns, is utterly and grievously inapplicable here. Why subject us to the control of a democratic corporation, with which we have no sympathy, no community of sentiment, no connexion, no influence ? Why place the bar, the professional classes, the gentry of Ireland, under the control of the populace of its chief city ? The principle has never been carried into effect in England. I do not merely urge that London has been exempted ; but what would your Lordships say if it was proposed to incorporate into one vast corporation the whole of this immense metropolis, so that Finsbury Square should give law to St. James's ? Is it because the profes-

sional classes and gentry of Dublin are distant, because they are unprotected, that you will inflict upon them a grievance and tyranny which you would not endure in London ? I may be told that you must give the same Bill to Ireland that you have given to England, no matter how differently circumstanced the two countries. I take the argument. I say, if you give us all the evil, give us the one solitary good. London has been exempted—exempt Dublin. You have respected the Magna Charta of John in London, why not respect the Magna Charta of Henry in Dublin ? My learned friend reminded the House of the advantage possessed by the City of London in being close to the seat of royalty. Their neighbourhood gives them an influence on the crown and on the legislature. The City of Dublin reminds your Lordships, in their petition, that they once had a similar influence : they tell your Lordships that if the Union had not passed their rights would have been respected. Am I to be told that, because on the faith of England we gave up our independent parliament, that you are to disregard us ? On the faith of the legislative union, my Lords, we demand that our rights should be held in the same respect as those of London. In our own parliament they were so. Once, indeed, in that parliament, in a debate upon the privileges of the City of Dublin, it was pleaded that some similar rights of the City of London had been respected by the English legislature. Some one dared to hint that

the privileges of Dublin stood on lower and less sacred grounds. Who was the man who rose with prompt indignation to resent this insult to the constitution of Ireland?—a man, my Lords, whose memory is still held in honour in our country—the illustrious Henry Grattan! He it was who, in the spirit of a true Irishman, indignantly denounced the attempt to place the privileges of Dublin below those of London. It was no part of that great man's patriotism to vilify and bring into contempt the institutions of his country.

I must pray your Lordships' attention to one return derived from the Report of the Commissioners, even at the risk of being tedious.

The City of Dublin is peculiarly circumstanced. From whatever cause it proceeds, the habits of the people as to residence have changed. Streets which once were the first in the city are now utterly deserted, and deserted not merely by the gentry but by the mercantile classes: the old portion of the city is almost exclusively inhabited by the lower orders. The loss of the parliament at the time of the union may have had its effect, by throwing into the market a number of the residences of the nobility; but the fact is unquestionable, that there is a large portion of the city abandoned to a class not much above the lowest. The failure of the silk trade has plunged a very large district into distress; but these districts will give law in the new corporation to the magnificent

streets and squares which are the residences of our gentry and our professional men. - By the Report of the Commissioners of Corporate Inquiry, I find that there are in Dublin, valued over 200*l.*, 127 houses, rated at 33,000*l.*: so that 127 individuals, the owners of these houses, will pay one-twentieth of the tax imposed by the town-council, a body bitterly opposed to them in political and religious feeling, and in which their united influence would not command the return of a single member. Valued between 100*l.* and 200*l.* there are 678 houses, rated at 83,000*l.*; so that, my Lords, there are 805 individuals assessed at 116,000*l.* (the whole of the valuation being 704,000*l.*), paying, therefore, nearly one-sixth of the entire rate. But they will be completely overpowered, so that you must consider that, whether with a ten-pound franchise, or a five-pound franchise, you are giving in Dublin to numbers the power to tax property to an indefinite amount. The whole power will vest in numbers. Injurious and unjust as this would be even in this country, in Ireland it is infinitely more so, where property and wealth is in the hands of the Protestants, and numbers in the hands of the Roman Catholics. You are giving to Roman Catholic numbers the power to tax Protestant property.

In Ireland, my Lords, unfortunately, property and numbers are opposed — religious differences make a broad separation between the holders of property and the mass of the people. You cannot

disregard this unfortunate state of things — a vote of your Lordships' house cannot alter it, it must be an element of your Lordships' deliberation.

My Lords, I have shewn you the enormous influence, and patronage, and power, which will be conferred upon the new Corporation of Dublin: it is wisdom, at least, to pause and weigh well the uses to which they will be likely to turn the powers which you bestow on this body, whatever be its character. You make them the accredited, the constitutional representatives of the metropolis of Ireland, the second city in the British dominions. Before another generation they will have property which I am, I believe, undervaluing at fifty thousand pounds a-year. You are dignifying them with ancient authority, investing them with constitutional influence; you give them a place, a name, an authority in the constitution; you constitute them an Irish parliament; you give them the power to legislate and to tax; you enact for them their sittings; you give them their meetings, which no law can suppress without a violation of all constitutional principle, which may defy the government and agitate the public mind, without the power of Parliament to interfere. No coercion act will ever be tolerated to suppress the legalised meetings of a corporation. Suppose this corporation is directed by some active and unscrupulous popular leader, under whose control they direct all their energies to the repeal of

the union, or the destruction of the Irish Church. You have established this body in the metropolis, where all the discontented and ambitious spirits of the country naturally congregate—where the profession of the bar will be at hand to supply its candidates for popular patronage and fame. If such should be the character of a metropolitan corporation, with such power of rewarding its adherents, holding out such temptations to ambition, is it possible to over-estimate the extent of the mischief it will do ?

In the name, my Lords, of the ancient corporation which I represent, a corporation dating its origin with that of British authority in Ireland, I am bold to tell your Lordships their solemn, their deliberate conviction—that, deal as you will with their privileges, which have been never forfeited by any crime, if you establish in their room such a body as that contemplated by this Bill, it will be impossible to maintain the Irish Church. I need not remind your Lordships that we have high authority for the statement, that when that church falls the doom of the connexion between the countries is sealed.

Establish over the face of our island corporations such as these, and never again can you govern Ireland, except (if this can be called to govern) at the dictation of her democracy and her priests.

These prophecies have been made, and they

have been disregarded. Experience after the passing of this Bill will justify those whose predictions have been despised. But, my Lords, there is no room for experiment, for there is none for repentance ; this step once taken is irrevocable : to-night you are about to make a fee-farm grant of Ireland to influences from which you never can reclaim it.

Your Lordships may be told that justice to Ireland requires you to pass this Bill. Not if it be a mischievous one. Justice to Ireland requires you to protect her from every measure which will interfere with her peace, throw back her progress, and mar her prosperity. In the name of her resident gentry—in the name of her Protestant people—in the name of thousands of my Roman Catholic fellow-countrymen, who look with alarm upon this Bill, who tell us, their Protestant brethren, their feelings in private, though mob-rule deters them from joining us publicly in resisting this fatal measure—in the name of justice to Ireland, I implore of your Lordships to save that country from the evils that will be inflicted on it by the present provisions of this Bill.

My Lords, I feel all the inconvenience of addressing your Lordships upon this subject at this late period, when your Lordships may have assented, upon some former occasion, to many of the provisions against which my duty to my clients and my country forces me to contend ; but, my Lords, if Providence has given you the opportunity

of once more reviewing your decision on this all-important question, you will not reject that opportunity. Every day's experience of this house reminds you that neither parliaments nor judges are infallible—that the decisions of the best and the wisest may be reviewed. I feel, indeed, that when you passed the vote which has admitted my learned friends and myself to your bar, you gave us a pledge that you were not hearing us as a mere matter of form. You declared that the question was still open, that your Lordships' minds were not yet finally made up. I am privileged to appeal to your Lordships as judges—it is only because you are judges that I can be present in this august assembly. As judges clothed with a judicial power, of which the highest and most sacred attribute is openness to conviction—invested with a judicial discretion which no pledge can bind, no party combination fetter, and which, up to the very moment when the irrevocable decision is pronounced, no previously formed convictions, however strong, can control. And if, even at the eleventh hour, we have brought for the first time to your Lordships' minds the conviction that this Bill is injurious and unjust, we have, my Lords, a right, a solemn right, in the face of the country and of Heaven, to demand of the conscience of each individual member of this illustrious tribunal that he pronounce the judgment which is the necessary consequence of that conviction.

I will not trespass much longer on your Lordships' attention ; but there is still one allegation in our Petition to which I must allude. The Corporation state that no large or influential class of their fellow-citizens are anxious for this Bill in its present shape. The Guild of Merchants tell you that the great majority of the mercantile classes are opposed to it. We offer to prove this at your Lordships' bar. You must not mistake the clamour of a few interested individuals for the voice of the public. To this measure the mass of the people are indifferent—the better classes are strongly opposed—no one wishes for it but those who hope to share in the plunder which it will create. A petition, my Lords, has been presented from Dublin against this Bill, signed by 7000 inhabitants, who will pay the larger proportion of the tax which this Bill imposes. These persons implore your Lordships not to burden the city with this tax, not to involve them in the turmoil of constant elections : but, rather than pass this Bill, they pray they may have no corporation at all. They do not pray, my Lords, to be placed in schedule B — because they know that, by the provisions of this Bill, a corporation may then be granted to the petition of the majority of the rated inhabitants, and they fear that the very same influence which could command the new corporation would be able to obtain it. They pray your Lordships distinctly that, rather than pass the

present Bill, they should have no corporation. This petition has 7000 substantial signatures. Many signatures of persons strongly opposed to this Bill were withheld. However cautiously this petition may be worded to avoid the appearance of sanctioning an abolition of our ancient charters, many persons would not, even by implication, seem to consent to a measure which they knew to be unjust.

There is indeed, my Lords, a people who look with intense anxiety to your decision on this question—the people to whom these charters were granted, the Protestant people of Ireland. They contemplate this Bill with alarm and dismay; they believe that it will place them under a tyranny intolerant and intolerable—that it will hand over their country to the control of Jacobin clubs, but Jacobinism on which will be engrafted the worst elements of national antipathy and religious hate; which will present to the world the spectacle of the extraordinary union of civil anarchy and religious despotism, uniting in an anomalous combination all the evils of democracy and of superstition. They implore of your Lordships to protect them from this tyranny. One argument they have against this measure which your Lordships will not disregard. In this the highest court of judicature in the realm, where the errors of every inferior tribunal are corrected—in this most solemn and most equitable of all tribunals, they

appeal with confidence to your Lordships, and say that this measure ought not to pass because it is unjust.

My Lords, I have done. For myself I have no words strong enough to express my gratitude for the patience and indulgence with which you have heard me. If in any thing I may have wandered beyond the limits which my situation imposed, I implore of your Lordships to attribute it to the embarrassment and novelty of my position — my inexperience in the forms and usages of your Lordships' house. The great cause which I have pleaded, however inefficiently, I commit to your Lordships' justice; with an earnest and a solemn prayer that HE who has cast upon you this night the deep responsibility of deciding for Ireland this important question may guide you to a right and a wise conclusion: in the words of that beautiful petition which millions of your Lordships' countrymen offer up every Sabbath for a blessing on your deliberations, “ May God so direct and prosper all your consultations for my unhappy country to the advancement of His glory, the good of His church, the safety, honour, and welfare of our Sovereign and her dominions, that all things may be so ordered and settled by your endeavours upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations.”

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